

ABSTRACT OF THESIS

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Title of Thesis The Puritan Idea of the Holy Commonwealth with
Special Reference to John Eliot and Richard Baxter.

The pretext for this thesis was the notoriety which both Eliot and Baxter received over the publication of political treatises. Subsequent history has overlooked these facts and remembered them for other achievements. Our task was to determine the idea of the Holy Commonwealth visualized by these eminent Puritan divines. Accordingly, the method of treatment followed was: 1. To investigate the history of the two books which most concerned us and to state the relevant facts about the authors' lives and contemporary history; 2. To make a detailed summary of the main characteristics of the ideal commonwealths described in these books; 3. To evaluate and compare these theories with the history of political thought up to John Locke.

Eliot's pamphlet The Christian Commonwealth was republican in character and brought him into conflict with the authorities in Massachusetts immediately after the Restoration. Baxter's A Holy Commonwealth appeared in 1659 and at once it involved him in bitter controversy. Both authors revoked their books.

The main conclusions of the investigation are as follows:

1. Eliot's contribution to Puritan political theory was most utopian, and like many theocracies assumed that the form of organization of the commonwealth was all-important. His Scripture-government deduced from the Old Testament revealed little knowledge of political philosophy. However, it did reflect the optimism and republican sentiments of the Puritans in New England.

2. Baxter was an able exponent of Natural Law and had great



THE PURITAN IDEA OF THE HOLY COMMONWEALTH
WITH SPECIAL REFERENCE TO JOHN ELIOT AND
RICHARD BAXTER

A Thesis
Presented to
The Faculty of Divinity of the
University of Edinburgh

In Partial Fulfillment
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Doctor of Philosophy

by
Gordon Livingstone Toombs

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PREFACE

When it came to writing up this research information it seemed that the most orderly method of treatment was to divide the thesis into four parts. The Historical Introduction contains a history of the two books which most concern us, with some relevant facts about the authors' lives. Part II summarizes and describes Eliot's contribution to Puritan political theory. He was obviously a visionary, but even though his Scripture Government rather naively deduced from the books of Exodus and Deuteronomy reveals little understanding of Political Philosophy, it undoubtedly reflects the optimistic thinking of some of the early pilgrims in New England. In Part III we outline Baxter's argument for a theocracy. Because he does not deal with his subject as a theorist might be expected to, and because his material does not readily yield to such a methodical treatment, it proved most satisfactory to use his own chapter framework as it appears in the Holy Commonwealth, and hang all his ideas upon it -- ideas which are scattered through several books. The only departure from this outline occurs in Chapter iv where we have introduced a summary of his conception of Church Government and the State's part in it. This has been done to provide the necessary background for understanding Chapter v which presents his description of the theocracy, and how it was to function. Baxter's ideas are worthy of serious consideration for they reveal great erudition and are in the main stream of

development in political theory. The evaluation of these two contributions to political thought has been confined to Part IV. This method was preferred to any attempt at an evaluation as we went along, because such a mixed and repetitious presentation of ideas would have made the appraisal very piecemeal and desultory. Part III may prove rather dull reading, but the fruit of the whole research will be found in Part IV. In these closing chapters we have attempted to relate Baxter's thought to those who went before him and to those who came after him. This has been done under several topics rather arbitrarily chosen, some of which overlap each other, but we hope the method of treatment will justify itself to the reader.

In order to preserve the seventeenth century flavour of the material under discussion, all quotations are reproduced in their original form, with frequent capitals, many italics and a spelling which varies from book to book.

The author has received help and encouragement from many quarters. He is most indebted to Professor H. S. Burleigh for his guidance and helpful criticism, and to Principal John Baillie who suggested and helped to define the subject of the thesis. His thanks are also extended to New College Library for the freedom and generosity with which it made its facilities available. He is also indebted to Dr. R. C. Chalmers of St. Andrew's College, Saskatoon, who encouraged him to complete the work in the active pastorate after a delay of three years.

His final acknowledgement is to his wife for her invaluable assistance. Her confident assumption that the task would some day be completed, in spite of the fact that he was two hundred and fifty miles from the nearest library, has brought him to this present happy moment.

Carrot River, Saskatchewan,

30th April, 1956.

THE PURITAN IDEA OF THE HOLY COMMONWEALTH WITH SPECIAL
REFERENCE TO JOHN ELIOT AND RICHARD BAXTER

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LIST OF ABBREVIATIONS

Difference Between: The Difference Between the Power of Magistrates and Church Pastors. Richard Baxter.

Directory: A Christian Directory. Richard Baxter.

Disputations: Five Disputations of Church Government and Worship. R. Baxter.

Episcopacy: A Treatise of Episcopacy. R. Baxter.

History of Bishops: Church History of the Government of Bishops and Their Councils Abbreviated. R. Baxter.

Judgement of Things Indifferent: The Judgement of Non-Conformists of Things Indifferent Commanded By Authority. R. Baxter.

Parish Congregations: Whether Parish Congregations be True Christian Churches. R. Baxter.

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PART I

HISTORICAL INTRODUCTION

(a) John Eliot's The Christian Commonwealth¹

John Eliot, known as 'the Apostle to the Indians', employed the following strategy in his attempts to evangelize the savage of North America. First, he prepared himself for the task by hiring native servants who instructed him in their language, the Algonquin dialect of Massachusetts Bay. Shortly thereafter he undertook what was to be the greatest task of his life--a truly prodigious one--namely to invent an orthography for the language, deduce its grammar and publish a primer, and then to translate the whole Bible. His second plan to be carried out simultaneously with the first, was to win converts among the Indians in their native surroundings, and then when sufficient numbers were willing, to resettle them in a village of their own in the midst of their own plantation. Hutchinson reports Eliot as saying, "that the Indians must be civilized as well as, (if not in order to their being), christianized."² It was to this end that Eliot extracted his catechumens from their nomadic and tribal culture, and domiciled

¹John Eliot, The Christian Commonwealth, or The Civil Policy of the Rising Kingdom of Jesus Christ, (London, for Livewell Chapman 1659) Preface XVIII, pp. 34. Hereinafter referred to as Christian Commonwealth.

²Governor Hutchinson, The History of the Colony of Massachusetts Bay 1628-1691, (Second Edition, London, 1760) p. 163.

them in villages built on the English model. With typical puritan thoroughness, he planned to train them in the arts of civilization and for the responsibilities of self-government on the Mosaic pattern. Lastly, he hoped to crown his efforts with the establishment of an indigenous church, but not until the individual applicants for full church communion could measure up to the uncompromising requirements of the New England churches. By imposing such high civil and ecclesiastical standards he hoped to be able to present to the world a working model of the ideal Scripture state.

Eliot started his preaching among the Indians in 1646 and was greatly encouraged by their response both in zeal and in number of converts. In fact, within three years they were clamouring for the ordinances of the church. Because of this, he says, he undertook the study of government in scripture so that he could instruct and assist them in setting up an Indian Israel in Massachusetts. This was the occasion of the writing of The Christian Commonwealth. In the preface of this booklet, he says he promised the Indians that,

I would endeavour with all my might to bring them under the Government of the Lord only: Namely, that I would instruct them to embrace such Government, both Civil and Ecclesiastical as the Lord hath commanded in the holy Scriptures and to deduce all their Laws from the Holy Scriptures, that so they may be the Lord's people, ruled by him alone in all things.¹

The work was completed in 1649 or 1650 and the manuscript was sent over to some friends in England, probably in 1651. It remained

¹Christian Commonwealth, preface, n.p.

in that form until 1659 when his friends had it printed in London with his consent. The printed preface was likely the one which he wrote to commend the manuscript to his friends in 1651,¹ when his enthusiasm for the Mosaic government knew no bounds.² He was certain that he had found the panacea for England's troubles, and indeed the key by which the kingdoms of the world could be made the kingdoms of our Lord.

The argument of the preface is that the disruption in monarchical government in England was a sign that providence was preparing the way for the coming of Christ's kingdom. He claims that there is only one rightful heir to the crown of England, and that one Christ. He praises the successes of the parliamentary forces, and urges them—who have so signally enjoyed God's help—to set up God's civil government and make Christ judge, lawgiver and king.

"He (Christ)," proclaims Eliot, "is now come to take possession of his Kingdom; making England first in that blessed work of setting up the Kingdom of the Lord Jesus; and in order thereunto he hath cast down not only the miry Religion, and Government of Anti-Christ, but also the former form of civil government, which did stick so fast unto it, until by an unavoidable necessity it fell with it; which while it stood, and as it stood, was too high to stoop to the Lord Jesus, to be ruled by his command."³

¹These dates are based on the phrase "nine or ten" years since" which Eliot mentions in his recantation in 1661. *Infra* p. 7.

²It might be suggested that the preface was written when Eliot gave his consent to the printing of the book in 1659, but his references to "recent changes in Britain and Ireland", the overthrow of the "Government of Anti-Christ," and his praise for the parliamentary army would, in our estimation, date his preface in 1651.

³*Ibid.*, preface, n.p.

He appeals to his fellow-ministers in England to see how scriptural prophecy is being fulfilled, how anti-Christ has been overthrown, how prayers have been answered, how near the kingdom has been brought, and how urgent it is to commend to the people not another human platform of government but God's very own. Eliot also argues that because divine institutions carry divine blessings in them, men ought to adopt the Mosaic system without delay.

Yea, God himself is more eminently present, ruling thereby; and the Spirit of God doth breathe in and bless every institution of the Word, to make it powerful and effectual to attain its end better, and more effectually than any Humane Order and Institution in the World can do.¹

" . . . it seemeth to me," writes Eliot, "to be the most excellent government that ever was in the World," and he is certain that it will provide the basis on which all factions can agree and thus end the confusion that exists in England. He is also certain that it is the manner by which Christ intends to rule the world, and so he expresses the hope that England will usher it in, and then spread it to all nations.

Until the Restoration the colony of Massachusetts had experienced practically no interference in its internal affairs, and in many ways was a sovereign state unto itself. But following the death of Oliver Cromwell, who had pursued a very generous policy toward New England,²

¹Ibid., preface n.p.

² Godfrey Davies, The Early Stuarts 1603-1660 (Clarendon Press, Oxford, 1937) p. 345.

the unsettlement in English political life filled the colony with apprehension about its future relationship to the motherland, and the danger of losing some of its civil and religious privileges. According to Hutchinson's account,¹ the sequence of events until the censure of Eliot's Commonwealth is as follows. After the death of Oliver Cromwell the colony withheld any acknowledgement of authority "until some settlement was made, which should have a prospect of stability."² The colony wanted to be in favour with the group that was going to gain the ascendancy. In July 1660 a ship brought word of the Restoration and the Declaration of Breda. The Declaration allayed the colony's fears considerably, for it assumed that a king would keep his word. But there was still delay about sending an address of loyalty to the king. Hutchinson suggests, that since this was the first instance of an accession to the throne since the colony was planted, it probably did not realize the propriety of such an act. At any rate, rumours came from the Barbados that England was still in a very unsettled state. Thus it again felt justified in not sending an address to the king. On November 30th a ship brought definite news of the full re-establishment of royal power, and also of the lodging of complaints against the colony. The General Court convened at once, and a loyal address was agreed upon. Before the king's reply was received the governor and council of the colony took notice of the pamphlet entitled The Christian Commonwealth.

¹Hutchinson, op. cit., pp. 209-12.

²Ibid., p. 209.

In the atmosphere of uncertainty which prevailed over what the restored monarch's policy might be, they decided that a pamphlet which was "justly offensive to kingly government" could not be ignored by a colony which was suspected of republicanism. Before censuring it, they consulted the elders of the church, who suggested that they defer the censure until the General Court met in May, "that Mr. Eliot might have the opportunity, in the meantime, of making a public recantation."¹ Consequently, from the May sessions of the General Court we find these entries in the Public Records.

At the Session of May 22, 1661.

This Court taking notice of a booke entituled Christian Commonwealth, written, as is expressed in the said Booke by Mr John Eliot of Roxbury in New England, which in sundry passages and expressions thereof is justly offensive and in speciall relating to kingly Government in England, the which the said Mr Eliot hath also freely and fully acknowledged to this Court. It is therefore ordered by this Court and the Authority thereof, that the said Booke be totally suppressed and the Author's acknowledgement recorded; and that all persons whatsoever in this Jurisdiction, that haue any of the said Bookes in their Custody shall on their perills within fowerteene dayes after publication hereof either cancel and deface the same or deliuer them vnto the next Magistrate or to the Secretary, whereby all farther divulgment and improovement of the said offensive Booke may be prevented. And it is further ordered, that Mr Eliot's acknowledgement and the Court's order for the calling in of those Bookes be forthwith transcribed by the Secretary and caused to be posted vp in Boston, Charlestowne, Cambridge, Salem and Ipswich, that so all persons concerned therein may take notice of their duties and act accordingly. All which was done accordingly.²

¹Ibid., p. 211.

²Extract from the Records of the General Court, Vol. 1V, Chap. 2, p. 370. quoted in M. H. S. Collections, Series Three, Vol. 1X, p. 128.

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Boston this 24 of y 3 mo 1661

Vnderstanding by an act of the honoured Council, that there is offence taken at a booke, published in England by others, the copie whereof was sent ouer by myself about nine or tenn yeares since and that the further consideration thereof is commended to this honoured Generall Court now sitting at Boston, Vpon perusal thereof I doe judge myself to haue offended and in way of satisfaction, not only to the Authority of this Jurisdiction, but also vnto any others, that shall take notice thereof, I doe hereby acknowledge to this honoured Court.

Such expressions as doe too manifestly scandalize the Gouverment of England by King, Lords and Commons, as Antichristian, and justify the late innovators, I doe sincerely beare testimony against, and acknowledge it to be not only a lawfull but an eminent former of Gouverment.

2. All formers of Civil Gouverment deduced from Scripture either expressly or by just consequence, I acknowledge to be of God and to be subjected vnto for conscience sake.

And whatsoever is in the whole Epistle or booke inconsistent herewith I doe at once for all cordially disowne.
'John Eliot,'¹

Apparently Eliot yielded quite readily to the Court's censure, probably because he considered the success of his Indian missionary efforts more important than making an issue of The Christian Commonwealth. It is to be noted, however, that what he recants is only the contents of the preface where he addresses himself to the English political situation. For in the second point of his acknowledgement the phrase "either expressly or by just consequence" enables him to satisfy the authorities, but at the same time to assert that his convictions about his theory are unchanged. He may have considered that he had misinterpreted the will of God for England in his preface, and that his reading of events had been

¹M. H. S. Collections, Series One, Vol. Vlll, pp. 29f.

wrong. It was therefore his duty to confess the error. But his main theory still stood. However, this is conjecture for we have no record of his personal feelings on the matter. The fact that he made no further reference to his pamphlet, and that nearly all copies of it were destroyed, helped it on its way to oblivion.¹

The only other writing of Eliot's which proved to be of a controversial nature was entitled "Communion of Churches". It was written in 1665, and advocated a system of church government which extended from congregational churches through District Councils, Provincial Assemblies, and National Synods to an Ecumenical Council which was to sit at Jerusalem. This would be directly subject to Christ, and rule the world both in civil and ecclesiastical affairs. This idea was not true to Congregationalist principles, and yet no one in New England seems to have protested on that ground. A copy reached Richard Baxter in England, and in a letter to Eliot written in 1667 he makes some comments which are not all critical.²

¹Only four copies are extant now, three in the United States and one in the British Museum.

²Infra. Appendix A presents a resume of the pamphlet and Baxter's comments upon it. Both are taken from Powicke.

(b) Richard Baxter's A Holy Commonwealth¹

On April 25, 1659, Baxter interrupted his writing of A Holy Commonwealth with these words:

When I had gone thus farre, and was about to proceed a little further, the sudden News of the Armies Representation, and of the dissolving of the Parliament, and of the displeasure against my Booke against Popery, called, A Key for Catholikes, and some other passages, interrupted me, and cast me upon these MEDITATIONS and LAMENTATIONS following.²

In the Meditations referred to, he reflects upon the disorder and confusion in the world, and of how foolish it is to expect perfection here. However, he is certain that God can make even confusion serve his ends, and so he advises his readers to live nearer to God so that they may see his order in the midst of man's confusion. In the second part of the Meditations, he reflects upon the cause of this disorder as he sees it in the sin of individual human beings. Baxter laments the fickleness of human nature, the conceit and deceit in the human mind, and concludes that it is extremely dangerous for men to meddle in politics which are really beyond their reach. He closes his book almost in despair, but resolved to trust in God and in his will whatever the future may hold.

This account is evidence that he had just received the shocking

¹Richard Baxter, A Holy Commonwealth, or Political Aphorisms, opening the True Principles of Government: With a Preface to them that have caused our Eclipses since 1646. And a Sounder Answer to the Healing Question. And the Jesuites Method for restoring Popery. (London, 1659). Hereinafter referred to as Holy Commonwealth.

²Ibid., p. 491.

news of the virtual abdication of Richard Cromwell to the rebellious army, and of the dissolution of parliament on the 22nd of April. He was cast into gloom, then straightway concluded the book with his Meditations, wrote his preface, and sent it off to the publishers. This means that this book was never finished. Just how much more he had intended to write cannot be accurately estimated; any judgement on the matter must take into account his original intention. This is indicated at the end of Chapter VI where he writes:

Many things that are commonly debated by Politicians about the Jura Regalia, vel Majestatis, I shall pass by both, because I intend but some Aphorisms suited to the demands and doubts of these times, and because the Generals sufficiently declare them as to my ends: and because I shall have fitter occasion to speak of the chief of them, among the Works of Sovereignty towards the end, I shall next . . . speak of the efficient causes or foundation of Power.¹

He never reached this projected chapter on "The Works of Sovereignty". His nearest approach to it is his discussion of the prerogative of sovereignty in the eleventh chapter and the casuistry of resistance in Chapter Twelve. In addition to this, his introduction to Chapter Eleven would lead us to believe that he was going to eventually say something about administration.

The Reader need not tell me here, either that the whole should have been handled before the parts, and the Genus before the Species, or that Laws and Judgement are part of Administration, and not of the Constitution of a Commonwealth: For I intend not exactness of Method, and I purposely past over the Jura Regalia generally before, and resolve to say nothing (here at least) of the Administration, but what falls in upon the by in the description of the Power; and therefore shall

¹Ibid., p. 120.

somewhat the fullyer here describe the Power with respect to its acts, which I avoid the fuller handling of, and say no more of the Jura Regalia then is necessary hereunto.¹

What he says about administration has come in purely "upon the by" and he proposes to say nothing more about it "here at least." So we can conclude that what appears in the Holy Commonwealth is the largest part of a treatise in which the author originally intended to say something more about "The Works of Sovereignty" and administration. However, the fact that he was not quite finished on April 25, 1659 does not mean that the purpose of his book had not been accomplished: for he had opened "The True Principles of Government" which was his declared purpose in the title. In the note by which he recalls the book,² Baxter states that he does not recant the first part of it which contained his "principles" or as he puts it "the defence of God and Reason". However, he does regret "the secondary part of the very scope". It was this part which contained the chapters on sovereignty, resistance and his justification for joining the Parliamentary Army. Judging from the hostility and suspicion which this part provoked, he was probably very glad that he had not proceeded further with it.

Baxter addresses his preface "To all those in the Army or elsewhere, that have caused our many and great Eclipses since 1646."³ He can speak with some authority and directness because he had been a

¹Ibid., p. 313.

²Infra., pp. 14-16.

³Ibid., preface n.p.

chaplain in the Parliamentary Army from June 1645 until he was invalidated out just after the seige of Worcester in February 1647. He knew first hand what their original purpose had been and can judge how far they have strayed from it. When he finished writing, he says, he could find no group more in need of his "True Principles of Government" than the Army. He continues, "Your practices assure me, that between your Judgements and Consciences, and mine, there is no little difference." Their record of disagreement and high-handedness spoke for itself.

You know what Changes of the Government we have lately seen, since things were taken into your hands: such as I never read of before. Our old Constitution was King, Lords and Commons, which we were sworn, and sworn, and sworn again to be faithfull to, and to defend: The King withdrawing the Lords and Commons ruled alone, though they attempted not the change of the Species of Government. Next this we had the Minor part of the House of Commons in the exercise of Sovereign Power, the corrupt Majority, as you called them, being cast out: and by them we had the government changed, Regality and a House of Lords being cast off. Next this we had nothing visible, but a General and an Army. Next this we had all the whole Constitution and Liberties of the Commonwealth at once subverted: Certain men being called by the name of a Parliament, and the Sovereign Power pretended to be given them, and exercised by them, that never were chosen by the People, but by we know not whom (such a fact as I never heard or read that any King in England was guilty of, since Parliaments were known.) Next this we had a Protector governing according to an Instrument, made by God knows who. After this we had a Protector Governing according to the Humble Petition and Advice: (and sworn to both.) And now we are wheel'd about again.¹

Baxter denounces in particular the manner in which they have resisted and deposed lawfully chosen governments which is an open breach of

¹Ibid., preface n.p.

God's law. He has in mind here the one hundred and forty-three members of the Long Parliament who had been excluded from the House since 1649, and he is undoubtedly angry over the April rebellion of which he had just had news. He pleads for a holy parliament, one which will assure a succession of reliable Christian men, and to this end he suggests that they consider the new plan he has outlined in his treatise. He insists that there should be no engagements forced upon Members of Parliament once they are elected because they then cease to be free representatives of the people.¹ The liberty of a Member is so necessary for good government that this condition should prevail, even if some, he says, "find it needfull to the Nations good to restore a Regulated-well-limited Prince."² However, Baxter assures his Army friends (he speaks of the "dearest love" he has for some of them) that the object of his preface is not to reprove them, but rather to point out that "Doctrine must go before Application."³ He commends his book to them in these words:

If Honesty and Godliness be the things you aim at, you will find my Principles suited to your ends: And as I like not the Democrattick formes, so am I not fond of any other, above the rest. That a succession of wise and godly men may be secured to the Nation in the Highest Power, is that which I have directed you the surest way to, in this Book, which if you will read, perhaps you may see the error of those Principles, which

¹He has in mind the engagements forced on newly elected Members in September 1654, and again in 1656 as well as others. Davies, op. cit., pp. 176, 179.

²Ibid., preface, n.p.

³Ibid., preface, n.p.

have led you into Errours of Practice. I wrote it purposely for the use of the multitude of well-meaning People, that are tempted in these times to usurpe Authority, and meddle with Government before they have any call from God, or tollerable understanding of its Principles. I never intended it for Learned men that are verst in Politicks; but for such as will be Practitioners before they have been Students. An impartial reading I think may satisfie you, that neither the People as such, nor the Godly as such, are the Original of Authority, but that it must come from the Universal Sovereign: and I have shewed you the stream of its derivation.¹

He goes on to say how glad he is that some of their number have already realized their defection from the cause of God, and how he hopes that those who are offended at what he has written may not remain impenitent. Finally, he commends numerous passages of scripture to them, and exhorts them to be obedient to God's word.

A Holy Commonwealth involved Baxter in more trouble than any book that he published. It caused a great stir, coming out as it did upon the eve of the Restoration, and it became the occasion for many attacks on him by his enemies and even by some of his friends. His own account of the book's origin and nature, and the treatment it had received up until 1664² is preserved in the Reliquiae Baxterianae.

But the Book which hath furnished my Enemies with matter Reviling (which none must dare to answer) is my HOLY COMMONWEALTH; The Occasion of it was this; when our Pretorian Sectarian Bonds had cut all Bonds and pull'd down all Government, and after the Death of the King had twelve Years had kept out his Son, few Men saw any probability of his Restitution; and every self-conceited Fellow was ready to offer his Model for a new Form of Government: Mr. Hobbs

¹Ibid., preface, n.p.

²Sylvester's date.

his Leviathan had pleased many: Mr. Tho. White the great Papist, had written his Politicks in English for the Interest of the Protector, to prove that Subjects ought to submit and subject themselves to such a Change: And now Mr. James Harrington (they say by the help of Mr. H. Nevill) had written a Book in Folio for a Democracy, called Oceana, seriously describing a Form near to the Venetian, and setting the People upon the Desires of a Change: And after this Sir H. Vane and his Party were about their Sectarian Democratical Model, which Stubbs defended; and Rogers and Needham (and Mr. Bagshaw had written against Monarchy before). In the end of an Epistle before my Book of Crucifying the World I had spoken a few Words against this Innovation and Opposition to Monarchy; and having especially touched upon Oceana and Leviathan, Mr. Harrington seemed in a Bethlehem Rage; for by way of Scorn he printed half a Sheet of foolish Jeers, in such Words as Ideots or Drunkards use, railing at Ministers as a Pack of Fools and Knaves, and by his gibberish Derision persuading Men that we deserve no other Answer than such Scorn and Nonsense as be- seemeth Fools: And with most insolent Pride he carried it, as if neither I nor any Ministers understood at all what Policy was; but prated against we knew not what, and had presumed to speak against other Mens Art, which he was Master of, and his Knowledge to such Ideots as we incomprehensible. This made me think it fit, having given that General hint against his Oceana, to give a more particular Charge, and withal to give the World and him an Account of my Political Principles, and to shew what I held as well as what I denied; which I did in that Book called Political Aphorisms, or A Holy Commonwealth, as contrary to his Heathenish Commonwealth: In which I plead the Cause of Monarchy as better than Democracy or Aristocracy; but as under God the Universal Monarch. Here Bishop Morley hath his Matter of Charge against me; of which one part is that I spake against Unlimited Monarchy, because God himself hath limited all Monarchs. If I had said that Laws limit Monarchs, I might among some men be thought a Traytor, and unexcusable: but to say that God limiteth Monarchs, I thought had never before been chargeable with Treason, or opposed by any that believed that there is a God. If they are indeed unlimited in respect of God, we have many Gods or no God. But now it is dangerous to meddle with these matters: Most men say now, Let God defend himself.

In the end of this Book is an Appendix concerning the Cause of the Parliaments first War, which was thus occasioned: Sir Francis Nethersole a Religious Knight, who was against the lawfulness of the War on both sides, sent his man to me, with Letters to advise me to tell Cromwell of his Usurpation, and to

counsel him to call in the King; of which when I had given him satisfaction, he sent him again with more Letters and Books, to convince me of the unlawfulness of the Parliaments War: And others attempting the same at the same time; and the Confusions which the Army had brought upon us, being such as made me very much disposed to think ill of those beginnings which had no better an end, I thought it best to publish my Detestation and Lamentation for those Rebellious Proceedings of the Army, (which I did as plainly as could be born, both in an Epistle to them, and in a Meditation in the end), and withal to declare the very Truth, that hereby I was made suspicious and doubtful of the beginnings or first Cause, but yet was not able to answer the Arguments which the Lawyers of the Parliament then gave, and which had formerly inclined me to that side. I confessed that if mens Miscarriages and ill Accidents would warrant me to Condemn the beginnings which were for another Cause, then I should have condemned them: But that being not the way, I found myself yet unable to answer the first Reasons; and therefore laid them down together, desiring the help of others to answer them, professing my own suspicion, and my daily Prayers to God for just satisfaction. And this Paper is it that containeth all my Crimes.¹

The attacks upon his book and upon him continued for practically the whole of his life. Political opponents like Harrington, L'Estrange, and Long he rather expected to assail him, but the reviling he received from Bishop Morley, Thomas Tomkins, and many other clergymen hurt him most for it meant that his efforts toward unity and peace were being undermined by this one contentious book. It appears that he came to consider it the one big mistake of his literary career, for in 1670 he decided to retract the whole thing, and printed the following note in the back of his book The Life of Faith.

Let the Reader know, that whereas the Bookseller hath in the

¹Mathew Sylvester, Reliquiae Baxterianae or, Mr. Richard Baxter's Narrative of the Most Memorable Passages of His Life and Times (London 1696) Pt. 1. pp. 118f. Section 195. (Hereinafter referred to as Reliquiae Baxterianae).

Catalogue of my Books, named my (Holy Commonwealth, or Political Aphorisms) I do hereby recall the said Book, and profess my Repentance; that ever I published it, and that not only for some by-passages, but in respect of the secondary part of the very scope. Through the first part of it, which is the defence of God, and Reason I recant not.

But this Revocation I make with these provisos, 1. That I reverse not all the Matter of that Book, nor all; that more than ONE have accused; eg. the Assertion that all humane Powers are Limited by God: And if I may not be pardoned for not defying DEITY and HUMANITY, I shall preferr that ignominy before their present Fustus, and Triumph, who defie them. 2. That I make not this Recantation to the Military fury, and rebellious pride and tumult, against which I wrote; nor would have them hence take any encouragement for impenitence. 3. That though I dislike the Roman Clergy writing so much of Politicks, and detest Ministers meddling in State matters without necessity, or a certain call; yet I hold it not simply unbecoming a Divine, to expound the fifth Commandment, nor to shew the dependance of human Powers on the Divine, nor to instruct Subjects to obey with judgement, and for Conscience sake. 4. That I protest against the judgement of Posterity, and all others, that were not of the same TIME and PLACE, as to the (mental) censure either of the BOOK or the REVOCATION; as being ignorant of the true reasons of them both. Which things Provided, I hereby under my hand, as much as in me lyeth, reverse the Booke, and desire the World to take it as non-Scriptum. April 15, 1670 R.B.¹

This was a curious thing to do for it was not a recantation, and it could hardly be expected to accomplish its purpose, namely, the recalling of all the copies that had been printed. Writing in the same year he frankly discusses his reasons for revoking the book and announces the decision that he will not defend it in public debate.

And ever since the King came in, that Book of mine, was preached against before the King, spoken against in the Parliament, and wrote against by such as desired my Ruine: Morley, Bishop of Worcester, and many after him, branded it

¹ Appended to his book The Life of Faith. (London 1670).

with Treason, and the King was still told that I would not retract it, but was still of the same mind, and ready to raise another War, and a Person not to be indured. New Books every Year came out against it; and even Men that had been taken for Sober and Religious, when they had a mind of Preferment, and to be taken notice of at Court, and by the Prelates, did fall on Preaching or Writing against me, and specially against that Book, as the probablest means to accomplish their Ends. When I had endured this ten Years, and found no stop, but that still they proceeded to make me odious to the King and Kingdom, and seeking utter ruine this way, I thought it my Duty to remove this stumbling Block out of their way, and without recanting any particular Doctrine in it, to revoke the Book, and to disown it, and desire the Reader to take it as non Scriptum, and to tell him that I repented of the writing of it: And so I did: Yet telling him, that I retracted none of the Doctrine of the first Part, which was to prove the Monarch of God; but for the sake of the whole second Part, I repented that I wrote it: For I was resolved at least to have that much to say, against all that after wrote, and preach'd and talk'd against it, That I have revoked that Book, and therefore shall not defend it. And the incessant bloody Malice of the Reproachers, made me heartily wish, on two or three accounts, that I had never written it. 1. Because it was done just at the fall of the Government, and was buried in our ruines, and never, that I know of, did any great good. 2. Because I find it best for Ministers, to meddle as little as may be with Matters of Polity, how great so ever their Provocations may be: and therefore I wish that I had never written on any such Subject. 3. And I repented that I meddled against Vane and Harrington (which was the second Part) in Defence of Monarchy, seeing that the Consequents had been no better, and that my Reward had been to be silenced, imprisoned, turned out of all, and reproached implacably, and incessantly, as Criminal, and never like to see an end of it: He, that had wrote for so little, and so great displeasure, might be tempted as well as I, to wish that he had sat still, and let GOD and Man alone with Matters of Civil Policy. Though I was not convinced of many Errors in that Book so called by some Accusers to recant, yet I repented the writing of it as an infelicity, and as that which did no good but hurt.¹

It is not likely that Baxter would have mentioned the Holy

¹Sylvester, op. cit., Pt. lll, pp. 71f. Section 152.
Cf., Ibid., Pt. ll, pp. 374, 380.

Commonwealth again, had it not been for the public discussion it was still receiving in certain quarters. But this is what he does in two prefaces, one printed in 1677, the other in 1680. In his epistle to the reader which precedes his section on Christian Politics in the Directory, he writes:

Think not by the Title of this Part, that I am doing the same work which I lately revoked in my Political Aphorisms: Though I concluded that book to be quasi non scriptum, I told you I recanted not the Doctrine of it, which is for the Empire of God, and the Interest of Government, Order and Honesty in the World. This is no place to give you the Reasons of my Revocation, besides that it offended my Superiors, and exercised the tongues of some in places, where other Matters would be more profitable: Pass by all that concerneth our Particular State and Times, and you may know by that what Principles of Policy I judge Divine. And experience teacheth me, That it is best for Men of my Profession, to meddle with no more; but to leave it to the Contzeus, the Arnisaesus's and other Jesuites, to promote their cause by Voluminous Politicks: The Popes false named Church, is a Kingdom, and his ministers may write of Politicks more congruously, and (it seems) with less offence than we.¹

Three years later in the preface of his Second Plea for Peace² he mentions the book again. This time he draws attention to the fact that it has been recalled, and then goes on to say that "what I judge

¹Richard Baxter, A Christian Directory, or A Summ of Practical Theologie and Cases of Conscience. (Robert White for Neville Simmons, London, 1678) Pt. IV, preface, n.p. Hereinafter referred to as Directory.

²Richard Baxter, The Second Part of the Nonconformists Plea for Peace, (Printed for John Hancock at the The Three Bibles near Royal Exchange in Cornhill, London 1680). Hereinafter referred to as Plea for Peace.

undeniable I here declare,"¹ and then proceeds to summarize in a few pages the most important of its principles. After this there seem to be no more references to it, except in a letter which is mentioned below.

However the book continued to plague him. After the abortive Rye House Plot in May 1683 a decree of the University of Oxford had the Holy Commonwealth burned along with some pamphlets of Milton. This was really an honour which they inadvertently paid him. With reference to this incident Powicke quotes a letter Baxter wrote to Sir John Baber in 1687, in which he says, "I have, 38 years, repented of my meddling in matters of public Government, and have sent my thanks to the University of Oxford for burning my political aphorisms and am by resolution and age unfit to meddle with politics any more."² In spite of his personal wishes, the 'nightmare' of the Popish Plot, and the terrible persecution which fell upon the Non-conformists afterwards, kept the book alive and its author under suspicion. Powicke suggests that this suspicion was at the back of the events of 1684, when Baxter was apprehended, dragged to court while sick, and put under bond for good behaviour.³ It may even have had something to do with

¹Plea for Peace, preface, n.p.

²Powicke, The Reverend Richard Baxter Under the Cross 1662-1691 (Cape, London, 1927) p. 166. Hereinafter referred to as Powicke 11.

³Ibid., p. 98.

the apparent determination of the authorities to bring him to trial and imprisonment, which they did the next year. However, Orme suggests that their purpose was "to strike terror into all the Non-conformists, by severely punishing one of their leading ministers."¹ In any case, after eighteen months' imprisonment and the freedom which came with the Declaration of Indulgence in April 1687 Baxter seems to have at last left the Holy Commonwealth behind him. There is no further mention of it during the four years that remained in his long life.

¹Wm. Orme, A Life of the Reverend Richard Baxter and Critical Examination of his Writings, (James Duncan, London, 1830) p. 357.

PART II

JOHN ELIOT'S CHRISTIAN COMMONWEALTH

(a) In Theory

There is undoubtedly a forme of Civil Government instituted by God himself in the holy Scriptures, whereby any nation may enjoy all the ends and effects of government in the best manner, were they but persuaded to make trial of it. We should derogate from the sufficiency and perfection of the Scriptures, if we should deny it. The Scripture is able throughly to furnish the man of God (whether Magistrate in the Commonwealth, or Elder in the Church, or any other) unto every good work.¹

From this premise Eliot inferred his whole theory of the state insofar as he developed it.

At the outset, he says, it is God's command that people covenant with Him for civil and church government. Not until this covenant is made by each adult male in the presence of both God and the people does the commonwealth come into existence.² In the covenant the people subject themselves unto God, consenting to be ruled in Church and state by God's platform of government, by his institutions, his laws, and his directions as they are given in the Scriptures. The substance of this covenant is:

That they do humbly confess their corruption by nature, and lost condition; that they do acknowledge the free grace of God, in their redemption by Christ, and in the promulgation of the Gospel unto them, and making application thereof effectually

¹Christian Commonwealth, preface. n.p.

²Ibid., p. 1. Cf. Deuteronomy xix: 10-12.

unto their souls: and therefore the Lord both shewed his everlasting Love unto them, and caused them inwardly by faith, to give up themselves unto him, to be for ever his, to love, serve, and obey him in all his Word and Commandments: so now they do outwardly and solemnly with the rest of God's people joyn together so to do in their Civil Polity, receiving from the Lord, both the platform of their Civil Government, as it is set down (in the essentials of it) in the holy Scriptures; and also their Laws, which they resolve through his grace, to fetch out of the Word of God making that their only Magna Charta; and accounting no Law, Statute of Judgement valid farther then it appeareth to arise and flow from the Word of God.¹

Eliot remarks that this is just a beginning, but nevertheless, it is a very hopeful sign. For as he says, "he that is willing to serve Christ by the Polity of the second Table civilly, is in some degree of preparation to serve him, by the Polity of the first Table Ecclesiastically."² Children are to be included in their father's covenant and wives in their husbands'. If a man refuses to join the order of God's government he is to be without the privileges, benefits and protection which the covenanted subjects enjoy. A person who thus "apostatizes" from the government of the Lord is no better than a stranger or a barbarian.³

The form of government approved of God and instituted by Moses is found in Exodus xviii, 23-26 and Deuteronomy ii, 13-15. The electorate is to consist of all those who have covenanted with God. He believes that servants, dependent children and wives, and all others who live under family government are not capable of "publick Political

¹Ibid., pp. 2 f. Cf. Deuteronomy xxvi: 1-12.

²Ibid., pp. 6 f.

³Ibid., pp. 6 f.

Elections."¹ The voters are to choose a ruler for every thousand, every hundred, every fifty and every ten citizens (voting citizens presumably). These rulers are to be able men, men who fear God, love truth and hate covetousness.² The Ruler of Ten must have at least ten under him and can have up to nineteen himself included. When the number twenty is reached, a new group is to be formed and a new Ruler chosen. If two Rulers have fifteen each, they may with permission, form a new ten. Every five and up to nine orders of ten are to choose a Ruler of Fifty; every two and up to three orders of fifty are to choose a ruler of a Hundred; and every ten to nineteen orders of a hundred are to choose a Ruler of a Thousand.³ This is to be known as the Single Platform of government, but if the state is very populous there is to be a Superior Platform of government arising out of the first. This will be based on thousands: for every ten orders of a thousand a leader is to be chosen, and also, for every fifty, hundred, and a thousand.⁴ Over all the people is a Supreme Council of seventy members as in Moses' day, and these are to be elected to that office.

¹Ibid., p. 6.

²Exodus xviii: 21, 25.

³Eliot says that if all the orders are full the Ruler of a Thousand would be ruling over 33,687 people. For the purposes of calculation he assumes that every voter has three dependents. But to show how he gets this figure will require a better mathematician than I.

⁴Numbers, x: 36, Deuteronomy xxx: 2, 17.

In a Christian Commonwealth sin must be weeded out, and this is to be achieved by a prompt execution of justice. Every Ruler is to be a judge, and to this end every order is to "cohabit together" to "facilitate both the watch and the work of the Lord's Government."¹ The Ruler of Ten is to appoint one day a week "solemnly to hear and determine Causes, and guide the common Affairs of his ten, for the more orderly, easie, and speedy proceeding of justice and peace which are facilitated and expedited by a stated and appointed time."² The Ruler of Fifty is to form a Court of Six which is to meet once a month. The Ruler of a Hundred is to form a Court of Three which is to meet four times a year. Three is the minimum number for this court although it can have four members. The Ruler of a Thousand is the head of a Court of Eleven which meets twice a year. Its membership must not be less than eleven and not more than twenty. The "gretest solemnity and Majesty" characterize its sessions.³

These are called 'Courts', explains Eliot, "because they are an Assembly of Judges, among whom God promiseth to stand."⁴ Each Court has its own appropriate officers, and all the other "circumstances" which will promote the smooth working of the courts is left to the good

¹Christian Commonwealth, p. 11.

²Ibid., p. 12, cf., Exodus xviii:22.

³Ibid., p. 13.

⁴Ibid., p. 12.

judgement of the Rulers. If a citizen moves to a new locality, he comes under a new Ruler of Ten for government.¹ Appeals can be made from one court to another to ensure the utmost degree of justice. The highest Court of appeal is the Supreme Council and beyond it there is no appeal but unto God.² The Ruler that calls the Court has a double vote, and if in spite of this the Court is equally divided on some case, then there is a retrial at the next highest court. If there is no final judgement reached at the Court of a Thousand, then the case must go to the Court of a Myriad (if there is a Superior Platform in existence), and then to the Supreme Council.

Judgement in all courts is to be executed speedily, and to this end the law will require that all cases submitted to the various courts must be put on trial within the following periods: Ruler of Ten one month, Court of Six three months, Court of Three nine months, and the Court of Eleven eighteen months.³ If a judge opposes his Court in some decision, which in the eyes of the Court is a sinful opposition, the case is referred to a higher Court. If the lower Court's decision is upheld and it is the judge's first offence he is to be reprimanded only. If the offence occurs again, he is to be put from his place and office.

¹Ibid., p. 11.

²Deuteronomy xvii: 8,9.

³Christian Commonwealth, p. 15.

The Supreme Council is to be elected by all the orders of electors allowing one man one vote.¹ This body is to be composed of elders, "holy and able men" both from the state and the church.² The church elders on the Council are to be given no civil duties, so that they may be enabled to search the scriptures and declare the "Divine Oracle of God". If they see fit they can call a church synod to determine what the will of God is. However, there is to be a majority of civil elders or magistrates on the Council, so that the civil power in the state may have the pre-eminence.³ The size of the Supreme Council may vary according to the population of the state. The lowest number however, should be not less than five, and the most convenient number will likely be found to be the same as Moses had, namely, seventy, although there may be more.⁴ The Council is to be in continual existence "to give answer to all Causes propounded, touching the Law of God, and the application thereof, to any Particular Person or Cause, and to take care of the general Protection, Provision, and Government of the whole, in truth, holiness and peace."⁵

In defining the duties of Rulers, Eliot reminds them that they have been entrusted by God with the government of his people, just

¹Ibid., pp. 17f.

²Ibid., p. 20.

³Eliot does not tell us whether the church elders are ministers or in what way they are distinguished from civil elders.

⁴Ibid., p. 19

⁵Ibid., p. 20

as he ruled the Israelites through Moses. They are appointed for life, or as long as they are capable of being God's lieutenants. They must study the scripture daily and lead exemplary lives. The well ordering of all the public affairs of the people, their education, their various callings, commerce between men and not least "the purity of Religion" are their particular responsibilities.¹

"The Office and Duty of all Rulers," says Eliot, "is to govern the people in the orderly and seasonable practice of all the Commandments of God, in actions liable to Political observation, whether of piety and love of God, or of justice and love to man with peace.

Hence they are keepers of both Tables, and are so to look that all the Commandments of God be observed, as to compel men to their undoubted duty, and punish them for their undoubted sins, errors and transgressions."

.....

"Rulers are eminently concerned to maintain the purity of Religion, with all care and power; holiness, truth and peace being much concerned herein."²

Eliot is content with this very general description of the magistrate's office which leaves many points unanswered.

The duty of the Ruler of Ten is to see that his subjects walk as becomes people covenanted with God. All difficult cases are to go to the Court of Six. Since these Rulers are so near the people, they must, writes Eliot, "be singularly wise, patient, loving, faithful, and zealously holy men."³ The Ruler of Fifty is to help and guide the

¹Ibid., p. 21.

²Loc. cit.

³Ibid., p. 22

the Rulers of Ten under him, and to hear all cases which come before the Court of Six. He hears all cases which involve one Ruler of Ten versus another. He is to declare and pronounce the sentence of God's word in fines and other punishments, and see that they are enforced. Appeals can readily be made from this Court to the next. The Ruler of a Hundred is to hear all cases as above and supervise the work and administration of his subordinates. The office of the Ruler of a Thousand is to supervise the Rulers of Hundred and help them in all their duties toward the Rulers of Fifty and Ten. He is to hear in the Court of Eleven all cases which might involve capital punishment. The Court of Eleven is the first Court in ascending order to have the authority to sentence offenders to loss of limb, banishment or death. It also has the task of hearing all cases between Rulers of Hundred, and if there is only one platform of government it must hear all cases which concern the public good generally.¹ This Court is also responsible for carrying out the sentence of the Supreme Council where there is no Superior Platform.²

The office of the Supreme Council includes the following duties: to oversee the work of all junior officers and rulers, with power to correct and depose if necessary; to declare the will of God concerning war and peace; to assume full responsibility for all foreign and domestic affairs; to maintain peace and unity in the church on the

¹Ibid., p. 25.

²Ibid., p. 26.

basis of a Scripture orthodoxy; to promote religion and encourage the Arts and Sciences; and lastly to receive difficult cases and appeals from the Court of Eleven. In respect to this last responsibility, Eliot elaborates further:

. . . to search the Scriptures with all faithfulness, to find out the pure mind of God, impartially and sincerely to apply the Cause propounded thereunto; to declare the will of God in the Case, and so return it to the Court of Eleven, whereunto it appertaineth, there to receive judgement accordingly. And whosoever will do presumptuously, and not hearken unto that sentence, shall be put to death. Deuteronomy xvii: 11, 12.¹

As has been said, a nation which is populous enough to require organization on the basis of myriads, is to have a Superior Platform of government. Eliot is certain that this also is the express order of God and can be well attested to in scripture.² In this platform every ten thousand people elect a Ruler, and this Ruler of a Myriad will form a Court composed of the ten Rulers of Thousand.³ No details are given for the others, but we are to assume that the hierarchy of Rulers and Courts ascends in much the same manner as in the Single Platform. There is to be a Court of Five, Ten and a Hundred Myriads. All myriad courts have power over capital offences. The Court of a Hundred Myriads stands next

¹Ibid., p. 26.

²Ibid., p. 28., cf., Numbers x: 36; Deuteronomy xxxiii: 2; Matthew xxvi: 53; I Thessalonians iv: 13; Hebrews xii: 22; Revelations v: 11.

³Ibid., p. 29.

to the Supreme Council fulfilling similar duties to the Court of Eleven under the Single platform.

Eliot does not think it is necessary, but a country can have a prince or princes if they so desire. Because there was a prince over every tribe of Israel, so there can be a prince over every part or division of a Christian Commonwealth.¹ Normally, the elected Ruler of a Hundred Myriads will be the prince. If a state is not populous enough to have a Hundred Myriads it can still have a king who will be the highest ruler in the Superior Platform. In no case can a nation have a king if it has less than five myriads. Since the princes of the tribes of Israel were members of the Sanhedrin, Eliot claims that the prince or princes in a nation should be members of the Supreme Council.² The king's office is the same as that of the Ruler of a Hundred Myriads, namely, "to take care of the good Government firstly, all the Superior Rulers under him; as also of all the rest, as he hath opportunity, that the Lord may rule among them." ³ The Court of the prince or king is not the highest court in the land, for Eliot states that it must refer difficult cases or appeals to the Supreme Council, as if it were an ordinary Court of a Hundred Myriads. In conclusion, it appears that in Eliot's scheme, if there is a king at all, he is the holder of the chief

¹Ibid., p. 31.

²Ibid., p. 32.

³Ibid., p. 31.

executive power while the Supreme Council claims full sovereignty. We have attempted to make a diagrammatic sketch of Eliot's Commonwealth below.¹

The last matter which Eliot touches upon concerns the laws of the Christian Commonwealth. He says two things about them, namely that their source is in the Scriptures, and that accurate court records must be kept and published so that precedent may become a guide for both judges and people.

The written Word of God is the perfect Systeme or Frame of Laws to guide all the Moral actions of men, either towards God or man: the Application whereof to every Case according to its circumstances, must be by the wisdom and discretion of the Judges, guided by the light of the Scriptures, and a pure Conscience.

.....

The Records of which judgements are equivalent to Humane Laws. Which so far as the Case with all its circumstances considered is rightly applyed to the Rule of the Word, is a deduct from Scripture, and bindeth the Consciences, both of Judges, alway so to judge in the like case, and the people so to walk. Which Records to order wisely, and publish for common instruction and edification, is a work of great wisdom, and tendeth much to God's glory, the good of the people,² and the facilitating and expediting justice among them.

¹Infra., Appendix B.

²Ibid., p. 35.

(b) In Practice.

The accounts of Eliot's attempt to put his political theory into practice in the villages of Indian converts are very sketchy, and have mainly to do with the inauguration of the plan at the village of Natick. He writes in one of several tracts on the progress of the gospel among the Indians, that

I declared unto them how necessary it was, that they should first be Civilized, by being brought from their scattered and wild course of life, unto civill Co-habitation and Government, before they could according to the will of God revealed in the Scriptures, be fit to be entrusted with the Sacred Ordinances of Jesus Christ, in Church-Communion.¹

To this end Eliot suggested to the Christian converts that they build their own village," . . . and there dwell to-gether, enjoy Government and be made ready and prepared to be a People among whom the Lord might delight to dwell and Rule."² The village of Natick was built in 1650 with Eliot acting as town planner, architect, carpenter and source of building supplies and tools. His account of the events of the day when civil government was established, and a copy of the covenant that was signed follow:

In the year 51 after Fasting and Prayer about that matter, they gave up themselves and their children to be governed by the Lord, according to his Word, in all wayes of civility, and chose among themselves Rulers of ten, fifty, and a hundred,

¹John Eliot, A Late and Further Manifestation of the Progress of the Gospel amongst the Indians in New England, (London, 1655) pp. 1 f. Cf. Eliot and Mayhew, Tears of Repentance, (London, 1653) contained in M. H. S. Collections, Series Three, Vol. IV, pp. 227f.

²Ibid., p. 3.

according to the holy Patterne, so far as they could: In which way of Government the Lord hath not a little owned them, and blessed them.¹

We are the Sons of Adam. We and our Fathers have a long Time been lost in our Sins; but now the Mercy of the Lord begins to find us out again. Therefore, the Grace of Christ helping us, we do give ourselves and our Children unto God, to be his People; He shall rule us in all our affairs, not only in our Religion and Affairs of the Church, but also in all our Works and Affairs in this World. God shall rule over us. The Lord is our Judge, the Lord is our Lawgiver, the Lord is our King; he will save us. The Wisdom which God hath taught us in his book, that shall guide us, and direct us in the Way. Jehovah, teach us Wisdom to find out thy Wisdom in the Scriptures; let the Grace of Christ help us, because Christ is the Wisdom of God; send thy Spirit into our Hearts and let it teach us; Lord, take us to be thy People, and let us take thee to be our God.²

After the covenant was undertaken with due prayer and exhortation, we can assume that the village Sachem (chief) or one of the Rulers of Ten or the Ruler of Fifty if the population was great enough to warrant one, started the enforcement of God's universal laws in the scripture, and some particular laws of their own. These laws likely governed them at Natick until the enforcement of English laws came with the appointment of an English magistrate in 1656. There is no record of the laws at Natick, but an idea of those which must have prevailed can be gained from two other sources. Ten Indian converts gathered at Noonatomen in 1647 and agreed upon some laws which include the

¹Ibid., p. 3.

²Daniel Neal, The History of New England. (London, 1720) Vol. 1, p. 235f. Cf. Letter of Eliot's, no date, M. H. S. Collections, Series Three, Vol. 1V, p. 172.

following:¹ a man who was idle for a week was to be fined five shillings; every single young man was to set up a wigwam and plant for himself; any women appearing naked above the waist were to be fined two shillings, and any person caught killing lice between his teeth was to be fined five shillings. Another sample can be found in the laws that a gathering of Indian Christian rulers made at Concord in November of 1647.² They include: fines of twenty shillings for those found guilty of powowing, drunkenness, breaking the sabbath, and wife-beating; the person guilty of theft had to restore fourfold; for a man or woman guilty of fornication the fine was twenty and ten shillings respectively; there was to be no more howling, greasing and painting of bodies nor adorning of the hair; murder, adultery and bestiality were to be punished with death; and there were in addition laws enforcing cleanliness, payment of debts, and family worship.

From the moment that the village was built Eliot laboured to bring them the benefits of education and vocational training. He appointed native teachers whom he had trained himself to conduct school as part of the Meeting House activities. Teaching natives how to read was their principal task, but some elementary subjects were also

¹Anonymous (believed to be Eliot), The Day-Breaking if not the Sun Rising of the Gospel with the Indians in New England, (London, 1647) pp. 20 f. Cf. Neal, op. cit., Vol. 1, p. 229.

²T. Shepherd, The Clear Sunshine of the Gospel Breaking Forth, (London, 1648) contained in M. H. S. Collections. Series Three, Vol. 1v., pp. 39 f. Cf. A Member of the Historical Society, The Historical Account of John Eliot, M. H. S. Collections, Series One, Vol. VIII, p. 16 f.

taught. In addition Eliot endeavoured to provide instruction in various trades and vocations, such as farming, weaving, carpentry etc. Of course he never discontinued his instructions in the catechism, nor did he lose sight of the purpose of this whole experiment which was the founding of an indigenous church.

"... to which end," he writes, "I do instruct them, that the Visable Church of Christ is builded upon a lively confession of Christ, and covenanting to walk in all the administration of the publique worship of God, under the Government and Discipline of Jesus Christ. I doe therefore exhort them to try their hearts by the Word of God, to finde out what change the Lord hath wrought in their hearts, and this is the present work we have in hand."¹

In 1654, on what was known among the Indians as "A Day of Asking Questions" the elders of the church at Roxbury heard the Testimonies of several who were seeking baptism. They also questioned them on their faith, and were apparently quite impressed by the Christian growth of these savages.² However, the churches in New England were very strict about whom they admitted to church membership, and it seems that the elders were not quite prepared to admit these applicants to the same privileges they enjoyed. It is possible that some of the Indians were baptized and admitted to full church communion at Roxbury in 1655,³ but other factors were at work to delay the founding of a

¹Letter of Eliot's, no date, M. H. S. Collections, Series Three, Vol. IV., p. 172.

²Eliot and Mayhew, op. cit. pp. 227 f, 271 ff.

³Cotton Mather, The Life and Death of the Renowned Mr. John Eliot, (Second Edition, London, 1691) p. 96. He speaks of Indians "frequently attending in our congregations."

native church. These were: firstly, some misdemeanours committed by the converts of Natick which indicated that the period of Christian instruction and training was not complete;¹ secondly, a rather fundamental feeling of distrust on the part of the English colonists was aggravated by the suspicion that there was some collaboration going on between the Dutch and the Indians. Finally, Eliot says that he suspected himself of being too partial to the Indians and perhaps too eager, and so he became resigned "to make slow haste in this matter".² In the interval, he pursued the training of his catechumens resolutely, and busied himself with the formation of other Indian villages. In Natick he started a course of lectures in theology and logic for those Indians who were intellectual, and thus made this village a training school for native preachers. Two of his students eventually became graduates of Harvard College.³ In 1660 the first Indian Church in North America was formed with the approval of several Congregational elders and pastors, and Eliot administered the first Communion.⁴

In order to carry out this work among the Indians, Eliot had

¹Eliot, op. cit., pp. 5-9. Cf. Eliot and Mayhew, op. cit., pp. 269 ff.

²Convers Francis, The Life of John Eliot, (New York, Harpers, n.d.) p. 201.

³Cotton Mather, op. cit., pp. 87 f.

⁴Neal, op. cit., p. 239. Cf. Daniel Gookin, Historical Collections of the Indians in New England (no place, 1792) M. H. S. Collections, Series One, Vol. 1, p. 181.

approached the General Court of Massachusetts for permission and encouragement. In 1647 an act was passed which delegated power to a committee on which Eliot was a member. This gave them authority to buy land from the Indians at the colony's expence where the Praying Indians could build their village.¹ After the first village of Natick was established and the need for others was foreseen the General Court drew up a more elaborate system for regulating and promoting their growth.² At Eliot's suggestion apparently, the following system emerged from the Acts of 1654 and 1656. The Court appointed one English magistrate to represent them, and his duties were to supervise the civil development of these experimental theocracies, and to tie them to the Massachusetts' government.

This magistrate and Eliot appointed some of the "most prudent and pious Indians, in every village that had received the gospel to be rulers and magistrates among them."³ These rulers were to be chosen by the Indians themselves and vested with authority by the representative of the government of the colony. Where there was a native "Sachem" in the village he was given the authority to appoint marshalls and constables to serve him, and all together they had the power of a County Court over both civil and criminal matters short of capital offences.

¹T. Sheppherd, op. cit., p. 48. Cf. A member of the Historical Society, op. cit., p. 15.

²Gookin, op. cit., pp. 172-79, 192 f. Cf. Neal, op. cit., Vol. 1, pp. 227 f.

³Ibid., p. 177.

It is nowhere said, but it is assumed that if there was no Sachem, the Ruler of Fifty would be granted this authority. It was the English magistrate's duty to ratify the judgements of the Indian Courts, to hold a higher court among them twice a year, and to see that they conformed to the English laws in so far as they were capable. The first English Magistrate was Daniel Gookin. He and Eliot used to go together on the days when court was to be held in the Meeting Houses of the Indian villages. Together they represented the civil and church arm of government. Besides these provisions for the maintenance of order and justice, the General Court made laws which gave the Indians title to plantations within the colony; they were not to be dispossessed of their land or of their fishing places; no one could buy land without the license of the Court; and strong liquor and powows were prohibited. Gookin was responsible for introducing a law which imposed a tithe on their yearly produce, which amount was to be administered by the Court and go toward the payment of clergy, teachers and magistrates. Many other laws were enacted to promote "morality, civility, industry and diligence in their particular callings"¹ Any fines inflicted were to go toward the building of new schools and Meeting Houses.

Following this pattern, Eliot established seven towns of Praying Indians in Massachusetts which became known as the "Old Towns." In 1674 there is record of Eliot and Gookin visiting seven "New Towns" of

¹Gookin, op. cit., p. 178.

praying Indians in the Nipmuck country.¹ The purpose of their trip was to appoint teachers and preachers to each, and to establish civil government under the jurisdiction of the Massachusetts's authority. Gookin estimates that there were about eleven hundred converts in these Old and New Towns in 1674, and about thirty-six hundred in all of New England.² Apparently, Eliot's method of evangelism was still being followed, namely, winning converts through an indigenous ministry, withdrawing them into villages of their own where they were civilized, catechized and educated until ready for full Church communion. Eliot and his fellow ministers ordained the native preachers, and had the congregations elect their own ruling elders and deacons. And so these churches were truly Independent.

Unfortunately all the good work which Eliot had started and so well established received a very serious setback in the Indian Wars of 1675-76. This disaster, known as King Phillip's War, was an uprising of the Indians against the settlers and the latter were soon threatened with extermination. The whole colony was panic stricken, and in their frenzy considered all Indians--whether Christians or not--a menace. Consequently, the loyal Praying Indians were interned on an Island in Boston harbour for the duration of the war, and some spent three winters there before they regained their freedom. Their numbers were decimated

¹Ibid., p. 189.

²Ibid., pp. 195 ff.

by disease, hunger and the cold.¹ Both Eliot and Gookin suffered reproach and abuse, even to the point of having their lives threatened in their attempts to stand between the Indians and the passions of their fellow countrymen. After the war Eliot found to his sorrow that most of the converts in the New Towns had deserted; that only four of his Old Towns remained and that nearly all of the first edition of his Bible had been destroyed.² Undaunted and at the age of seventy-four Eliot started once again. With the help of John Cotton the Bible was reprinted in 1680 and 1685, along with many religious tracts, including a translation of Richard Baxter's Call to the Unconverted. With the advent of new labourers to carry on the work, and dependable financial support from England, the mission program was soon flourishing again. Increase Mather makes the following report in a letter to John Leusden of Utrecht in 1687.

In short, there are six Churches of Baptized Indians in New England, and eighteen Assemblies of Catechumens, professing the Name of Christ: of the Indians there are four and twenty who are Preachers of the Word of God; and besides these, there are four English ministers who preach the gospel in the Indian tongue.³

This survey of the evidence concerning the practical working out

¹Hutchinson, op. cit., p. 296, footnote. Cf. S. E. Morison, Builders of the Bay Colony, (Humphrey Milford, Oxford University Press, Cambridge, Mass., 1930) p. 316.

²Letter of Eliot to Boyle quoted by John Wilson, The Life of John Eliot, (Oliphant, Edinburgh, 1828) p. 196.

³Cotton Mather, op. cit., p. 83.

of Eliot's political theory would seem to indicate that it never got beyond the initial stages. Of course, the glowing reports of the inauguration of Eliot's theocracy in Natick in various missionary tracts of the early 1650's would lead one to assume that a real experiment had been carried out, but there is no evidence to support such a conclusion. We cite the following facts in support of this claim. 1. Eliot's scheme called for Ruler of Ten and Rulers of Fifty, and an Order of Fifty was to include at least five and up to nine Orders of Ten. This meant that a Ruler of Fifty could rule over any number between fifty and one hundred and seventy-one adult male voting citizens. Gookin tells us that the number of families in the Old Towns of Praying Indians varied between twenty-nine and ten.¹ This meant that no village was populous enough to have a Ruler of Fifty. Even Natick with twenty-nine families would only fill two Orders of Ten or perhaps three counting single persons, so we can conclude that the theory was never really tested through lack of numbers. 2. There is no record to be found in the contemporary accounts which mentions either the success or the failure of the scheme after 1651. For example, we would expect Cotton Mather to include in his fine tribute to Eliot written shortly after his death, any success which the missionary had in the field of civil government. Instead, he devotes only two pages of his biography to

¹Gookin, op. cit., pp. 180-89.

the inauguration of Eliot's scheme at Natick, and silence follows.¹ Some modern historians mention his Christian Commonwealth, but none the success or failure of an experiment in Mosaic government. Thus, from the fact that the only information available has to do with the establishment of the village of Natick, we can conclude that that was as far as the experiment got. 3. The fact that the Court of Massachusetts had taken over the administration of the Indian Towns through the appointment of Gookin in 1656, would indicate that any opportunity that Eliot had to carry out his own experiment was ended, and that while the towns retained a large measure of self-government it was of the Massachusetts theocratic variety and not Eliot's.

We can conclude that the experiment in theocracy on the Mosaic pattern was limited to Natick between the years 1651 and 1656. Of its progress after its inception we know little and after four years it was subjected to the theocratic laws and institutions of Massachusetts. Since all the other Indian towns came into existence after 1656, Eliot had no further opportunity to implement his theory of theocracy. Indeed, from Increase Mather's statement above, it would appear that after King Phillip's war the practice of segregating Indian converts into villages of their own was abandoned.

¹Cotton Mather, op. cit., p. 89 f.

PART III

RICHARD BAXTER'S HOLY COMMONWEALTH

Chapter i

GOD'S UNIVERSAL KINGDOM AND THE EARTHLY SUBORDINATE KINGDOMS

(a) God's Universal Kingdom.¹ Baxter's treatise on politics begins with an argument from nature for the existence of God. He went on to prove that God is humanity's supreme and only governor, and then showed how his rule is delegated through Christ to men, so that the need of men for government is met at every level be it personal or corporate, civil or ecclesiastical.

Rational observation of man's physical nature, according to Baxter, teaches us that man is not eternal, but quite obviously a creature of time. He had a beginning, and since he could not make himself, some superior being must have been responsible for his creation. Man is a living creature, body and soul, and possesses "an Intellect to direct, a Will to chuse or refuse, and a Power to execute its Commands."² The qualities which correspond with these attributes of man's nature are wisdom, goodness and executive ability. The creator could not give what he does not possess, so we must assume that these are part of his being also. If the creator were just another creature, his creative powers

¹Holy Commonwealth, pp. 1-6. Cf. Second Plea for Peace, pp. 8-22.

²Holy Commonwealth, p. 3.

would diminish, but since there is no evidence of that, we must assume that he is an independent being, identifiable with the first cause, and completely adequate in all respects to give his creatures life and to sustain them. Furthermore, it is easily proven that God and the first cause were one and the same; otherwise there would be a time when there was nothing, and since of nothing, nothing can come, we must posit God as "an eternal being without Beginning."¹

The soul of man is capable of communion with its maker, and is dependent upon him for faith in the salvation offered by God to all men in Jesus Christ. It follows then that man's chief end is to glorify God, his Creator and Redeemer and enjoy him for ever. He will never find in his earthly life his proper end or happiness; that is to be found in the future when his union with God will be complete. This anticipation of eternal bliss with God or its opposite eternal misery is one of the chief means which God uses for government. Since man is to make preparation for heaven and the avoidance of hell, the principal care and business of his life,² then, Baxter inferred, is that nature obviously implies that man is to be conducted toward his destiny by moral means. This he took to mean the necessity of laws, inducements and punishments which would promote the salvation of the people.³

¹Ibid., p. 50.

²Ibid., p. 10.

³Ibid., pp. 7, 10.

Since nature intended men to be governed by laws, there must be a law-giver. It is self-evident, however, that no human law-giver is equipped for this moral and religious task because, as Baxter pointed out, "Man being naturally made to be Governed, God must needs be his supreme governour, as having the chief Right and sole capacity and aptitude."¹ He concluded this argument from nature with the following declaration:

God having created man, a Rational free Agent, to be Ruled as aforesaid, and conferred on him all the benefits of which he naturally possessed, doth by a necessary resultancy stand related unto man, in a threefold relation, viz. our Absolute Lord (or Owner), our Sovereign, Ruler, (or King) and our most bountiful Benefactor: and man stands related unto God as his own, his subject (as to obligation) and his Beneficiary.²

(b) "Of the constitution of Gods Kingdome."³ Baxter then proceeded to outline the constitution of God's Universal Kingdom. The king is God; his kingdom is the world and all that is in it, and his government is "*Monarchia absoluta ex pleno Dominio jure Creationis.*"⁴ He supports this claim by various references from the Scripture mainly from the Psalms and the Prophets. God as sovereign ruler has the power of universal legislation and judgement. His laws are extant in the Laws of Nature and the Laws of Holy Scripture, and are "not only sufficient but Perfect."⁵

¹Plea for Peace, pp. 11, 51.

²Holy Commonwealth, p. 17. Cf., Directory, Pt. 1, pp. 69-75.

³Holy Commonwealth, pp. 6-49.

⁴Ibid., p. 18.

⁵Plea for Peace, p. 22.

The work of Gods Laws is by Authoritative Institution to determine what shall be due from man by way of obedience, and what shall be due to man by way of Reward and Punishment, and so to be the Rule, first of Duty, and then of judgment.¹

These laws perfectly cover all the duties of love and worship which men owe to God, and all the duties of love and justice which men owe to each other. In the former relationship, God has left very little for human determination, but in the latter, due to the changing circumstances of human life and society, his laws declare only the broad principles which must govern political life. It is then the duty of magistrates to make their positive laws for their respective commonwealths in accordance with these principles. It is to be understood of course that no ruler can make himself a public judge or executioner of God's law without God's commission.²

Turning to the question of who are eligible to be subjects of God's Universal Kingdom,³ Baxter inferred from Scripture and nature that all men are subjects of God whether they consent or not. A man's consent does not make God king, nor does his dissent depose him. God's kingdom is not constituted by a contract between him and his subjects; it is constituted by the very fact that he made them and gave them life. If a subject does not consent voluntarily to God's rule, he is still obliged to subjection and obedience, and failing obedience to accept

¹Ibid., pp. 23 f.

²Ibid., p. 24.

³Holy Commonwealth, pp. 42-49.

punishment. However, Baxter also inferred a second and higher class of subjects. This class was composed of those who possessed reason and free will and were therefore assumed to be capable of a free consent. A willing consent admits a person to the benefits and privileges of free subjects of God, and is the prerequisite to further obedience and growth in grace. It follows then that there are various ranks of subjects in God's kingdom:¹ rebels, who are subjects by obligation only; strangers, who have not consented but are catechumens; and lastly, full subjects who have covenanted with God in their baptism and enjoy all the privileges God has to offer. Among the free subjects are many ranks according to "Office, and Place, and Gift".²

(c) "Of the Administration of the Universal Kingdom." Baxter thought that Scripture reveals God as the creator, and--because man rebelled and fell under the penalty of God's law--man's redeemer through Jesus Christ. Because he is our creator and our redeemer he is therefore, our owner by a twofold right. In the administration Christ". . . hath received from the Father a Derived Supremacy over the redeemed world, and is established the King of the redeemed and the Administrator General."³ Thus Christ combines in himself the rule of the Universal Kingdom and

¹Ibid., p. 48

²Ibid., pp. 49-58.

³Ibid., p. 47.

the Universal Church. As administrator, he governs firstly by the law of Nature or the moral law, and secondly, by the law of grace and the positive laws contained in the Scriptures.

The Law of Nature reveals our duties to God, to ourselves and to our neighbours. The duty to God or "Godliness", consists in loving him with all our hearts, serving him with all our powers and faculties, " . . . worshipping him according to his nature and revealed will, and using honourably His Name, and devoting to his special worship a fit proportion of our time."¹ The duty to ourselves or "Soberness", consists in, "an ordinate Love of ourselves, and care of our bodies, but especially of our soules, for the great ends of Creation and Redemption."² Our duty to our neighbour or "Righteousness", is to love him as ourselves, that is, "to love him with an impartial love, not drawing from him to ourselves, by an inordinate selfishness."³

Baxter indicated in the following manner what he meant when he declared that Christ rules by the law of grace and the positive laws of scripture. In the first place, he said, Christ has appointed "fit persons as his Messengers, to promulgate, preach, and explain"⁴ all his laws both natural and supernatural, and to command obedience to them. These messengers subserve Christ in his priestly, prophetic and kingly

¹Ibid., pp. 50 f.

²Ibid., p. 51.

³Ibid., p. 51.

⁴Loc. cit.

office. Secondly, in both nature and scripture God has appointed both ruler and ruled, officers and subjects. To support this law, Baxter cited such natural facts as a child's subjection to his parents, and the dependence of weak men upon strong. The officers of God, be they civil or ecclesiastical, govern by an authority derived from God, and the people must obey the divine authority placed in these officers. He went on to say that mankind has not got the right of choice as to whether there will be government or not; for government is God's will, and man's sin has made it doubly necessary; furthermore, the Law of Nature requires that there be justice, and government alone can provide it. He also pointed out that within man's being we find provision for government; his intellect is to guide, his will to command, and the lesser faculties to obey, "shewing us that in societies the Wise should guide, the good should command, and the strong and all the rest should execute and obey."¹ Thirdly, God has ordained that there be three kinds of government: domestic, political, and ecclesiastical, and that there be subjection to each one. In most cases the choice of ruler is the right of the subject; in the family the wife chooses her husband, in politics the subjects choose the king, and in Church affairs the congregation chooses its pastor. But in no circumstances can the subject contract himself out of subjection, for the social state of ruler and ruled is God's institution.

¹Ibid., p. 55.

God has constrained Christ to be Administrator General over the state according to the above laws and institutions, as well as king of the Church with administrative power over it.¹ The Scriptures show that Christ exercised legislative power while he was on earth, and that after his ascension the Holy Ghost continued his work through the apostles. As lawgiver in the Church, Christ has given men all the necessary laws for faith and worship, and his law describes and institutes the administration of his church. The universal laws for Church life and worship include: God must be worshipped and the Lord's Day has been set aside for the public worship of God in "solemn Assemblies in a reverent and holy manner";² God, Father, Son and Holy Spirit must be preached; sins must be confessed; doctrine is to be defined; prayer must be made in the name of Christ; praise and thanksgiving must be made to God for his word and works; church discipline is to be enforced; all who are baptized must". . . Sacramentally Covenant with God the Father, Son and Holy Ghost, and dedicate themselves to him";³ Churches must hold communion with Christ and among themselves in the sacrament of his body and blood; and there is to be order and decency in public worship. In regard to the order and government of the church, Christ's laws have determined that there shall be: certain persons qualified and separated

¹Flea for Peace, pp. 25 ff. Cf. Directory, Pt. III, pp. 9-11.

²Flea for Peace, p. 26.

³Ibid., p. 26.



to the office of the ministry; their duties under Christ shall be "to preach his Gospel, and baptize those that are converted, and gather Churches, and to be Pastors of the Churches gathered, and thus to continue to the end";¹ there is to be an unfixed itinerant ministry, and a fixed ministry over particular Churches; the pastor has the power of the keys; he has power to absolve the penitent in Christ's name; he is to be held responsible for the souls of his flock; and synods or assemblies of particular churches are to be held for "correspondence and concord". This much at least is of divine institution, and the secondary laws about the circumstances of church worship and government have been left by Christ for human determination. All these subordinate laws must reflect the intention, and be in the spirit of Christ's universal laws, to the end that all believers may be edified and God glorified.

Finally, Baxter reminded his readers that God does not delegate all his authority to Christ, or to magistrates and ministers. As universal king he continues to exercise his executive power by the ministry of angels over his subordinate commonwealths, to the end that faithful subjects may be protected and offenders punished. Christ's last act as Administrator General will be the "Universal Judgement" which he is to carry out "after this world".

¹Ibid., p. 26.

²Holy Commonwealth, p. 58.

(d) "Of a subordinate Commonwealth in General."¹

"That there be Government in genere, and obedience thereto," wrote Baxter, ". . . is determined even in Nature, by the God of Nature, in making Man a Sociable Creature, and each Man insufficient for himself, and in making Republicks necessary to the welfare and safety of individuals, and Government necessary to these Republicks."²

It is not a matter of choice whether people have government or not, for God has made men for government.³ Men are sociable by "necessity" in that they are dependent on each other for subsistence, for peace and cultural advancement, and for the fellowship which advances men in God's service. Also, they are sociable by "natural inclination" in that they desire the common good, the propagation and preservation of mankind. And finally, men are sociable "principally because that holy societies honour our Maker more than holy separate persons."⁴ A commonwealth can be defined either in terms of its government, or in terms of the governed society, said Baxter, and so, "It is the Government of a society of Gods Subjects by a Sovereign subordinate to God, for the common good, and the Glory, and pleasing of God"; or it is "A Society of Gods Subjects ordered into the relations of Sovereign and Subjects for the common good, and the pleasing of God their Absolute Sovereign."⁵

¹Ibid., pp. 58-75.

²Directory, pt. 1V, p. 11, Section 2.

³Plea for Peace, p. 11.

⁴Holy Commonwealth, p. 14.

⁵Ibid., p. 59.

the absence of either the ruler, or the ruled, or the above stated end of government in any state disqualifies it from being a Christian Commonwealth.

Since the true idea of God's person is that he is a "Spirit of Life, Intellection and Will, Most Perfect,"¹ then it follows, wrote Baxter, that his government and all government authorized by him, " . . . is the conjunct exercise of Power, Wisdom, and Love, for the right ordering of the Commonwealth for the present and future happiness of the people and the Governours."² This description of government makes the possession of these three faculties the necessary qualifications of any ruler or rulers before they can assume office.³ That the common good is the end of government is stated repeatedly, and is made the measure of the effectiveness of all governments.⁴ The purposes of government can be achieved in three stages: the immediate aim is the order and peace of society; this leads to the intermediate aim which is the common good; and from here the ultimate end can be realized, namely "The everlasting happiness of man, and the fulfilling or pleasing

¹Plea for Peace, p. 10.

²Ibid., p. 56.

³Cf. post., pp. 73 f.

⁴Plea for Peace, p. 15. Cf. Richard Baxter, The True and Only Way of Concord of All the Christiah Churches, (London, 1680.) p. 254. Hereinafter referred to as True Concord.

of the Will of God."¹

To achieve this there must be but one head to every governed society or commonwealth.² Although sovereignty must be clearly defined in one civil person, nevertheless, "Many natural persons may be one Civil person." This is the case in mixed constitutions where many people share in the sovereignty but the unity of the governing power is not threatened. It also follows that in these types of government the people holding the sovereignty are both sovereign in one respect and degree, and subjects in another.

"The Power of Governing a Commonwealth is not a natural thing, but a Right that must come by Commission from a Superior".³ It was in this manner that Baxter stated his belief in the channel of governing authority that runs from God through the sovereign of a commonwealth right down to the local magistrate. Accordingly, "Civil Power or Authority . . . is nothing else but (Jus Regendi) A Right to govern with an obligation thereto."⁴ From the sovereign and highest power in the commonwealth issues the right to legislate, to delegate authority to lesser officials, and to be the highest court of appeal. The Jus Regendi does not have to be renewed once it is given, as it is valid for any period from a few days to a life-time.

¹Holy Commonwealth, p. 61.

²Ibid., p. 62.

³Ibid., p. 67.

⁴Holy Commonwealth, p. 70.

Theoretically, the sovereign is above the laws of the commonwealth, for "Laws are but the signification of the Lawgiver's will . . . He commandeth others and not himselfe."¹ Accordingly he has the power to make, repeal, correct, add to or dispense with the laws, and in particular cases pardon those who have broken them. Yet at the same time the sovereign is not freed of obligation to the laws of God. He cannot make laws which are contrary to God's laws, nor laws that do not serve the common good. If the sovereignty is in the King, Lords and Commons, then the King is bound to abide within the contracts and the promises he has made with his subjects. In this latter type of constitution the king may be both ruler and ruled at the same time, that is, he may be subject to the same laws which he makes as a lawgiver, and hence liable for punishment if he should break them. In Baxter's estimation it is not fitting that an inferior power should judge a higher, and so the highest judgement should be in the hands of those who possess the highest legislative power.

It is desirable that sovereignty be perpetual, so that no matter what changes take place in the personnel of government, rule may be continuous. Accordingly, Baxter pointed out that the existence of the person of the sovereign is not necessary for the continued existence of the commonwealth, for the constitution still stands in the minds and wills of the people. Therefore it can be said at the king's death,

¹Ibid., pp. 72, 73-75.

"Rex non moritur" and Long live the King."¹

The presence of subjects is a prerequisite to the existence of a commonwealth,² for God has ordained that there be both rulers and subjects. Therefore, Baxter argued, to believe that all sovereignty is in the people (as in democracy) is contrary to his definition of a commonwealth, for in it everybody is a ruler. He begged his readers not to confuse sovereignty and subjection in this way, for it only deludes the people with the "conceit" that they possess the "Original of Power."

Subjects are bound to take their Rulers, not as their own creatures, to set up and take down as the Roman Souldiers did; . . . But as the Officers of God, who communicateth authority to them, and so to honour and obey God in them, as we do the King in his inferiour Magistrates; and so to obey for Conscience sake.³

There are two classes of subjects: those under obligation only, and those who are under obligation by their full consent. The former are "imperfect" subjects (usually rebels), and the latter are full citizens eligible for all the benefits of government. In addition to this the consenting subjects can be divided into two classes: those who enjoy the benefits of protection and justice for their lives and estates only; and those who are burgesses. Burgesses enjoy the above privileges of citizenship and have in addition the right to bear office, and the

¹Ibid., p. 74.

²Ibid., p. 74 f.

³Plea for Peace., p. 56.

responsibility of the franchise. "The reason for the difference," wrote Baxter, is sometimes from the difference of expressions of consent, but usually from personal differences of aptitude and capacity."¹ This latter group composes what one might call the 'aristocracy' of the commonwealth.

And lastly, all subordinate commonwealths must respect the "propriety" that nature has given to every man. This "propriety" existed before government and therefore one of the duties of government is to guard it. This natural right is partly protected by the Law of Nature, partly by the Law of God and partly by the fundamental contracts between ruler and ruled. Baxter defined it in these words:

"Propriety is naturally antecedent to Government, which doth not Give it, but regulates it to the Common good; Everyman is born with a propriety in his own members, and nature giveth him a propriety in his Children, and his food, and other just acquisitions of his industry. Therefore no Ruler can justly deprive men of their propriety, unless it be done by some Law of God (as in execution of Justice on such as forfeit it) or by their own consent, by themselves or their Delegates or Progenitors; And mens lives and Liberties are the chief parts of their propriety. That is the peoples just reserved Property, and Liberty, which neither God taketh from them, by the power which his own Laws give the Rulers, nor is given away by their own fore-said consent."

Having made this clear, Baxter hastened to add that this propriety and "Right to the Common Good which is the end of Government" is not to be

¹Holy Commonwealth, p. 75.

²Plea for Peace, pp. 54 f.

³Holy Commonwealth, p. 69.

mistaken for the Majestas Realis or a governing power in the people themselves.

(e) "Of the Several Sorts of Commonwealths."¹ Baxter was of the firm conviction that monarchy is the best type of constitution. In his opinion Scripture supports this view, but that does not mean that every other kind is unlawful. God has left the determination of the most suitable constitution to men and nations themselves. However, he has determined for all time the criteria by which all government must be measured. In the first place, in all constitutions the prosperity and corporal welfare of the people must have importance only as a means to the ultimate end, and the good of everyone must be their objective. Secondly, the best form of government will put the good of the nations of the world, of God's "Universal Government" and of God's "Universal Church" before its own private good. It will be able to arrange and guarantee a succession of good and righteous governors.² Thirdly, since rulers participate in God's governing power and honour, and since God's chief interest is in the people's welfare, it follows that the best government is one which never separates the two. In short, that government is best "which most advanceth the people to salvation, and keeps out sin, and keeps up holiness, and pleaseth God."³

¹Holy Commonwealth, pp. 76-105.

²Ibid., p. 94.

³Ibid., p. 80.

The feature that distinguishes commonwealths from one another is their "forme",¹ by which Baxter understood the variety of relationships which exist between governors and subjects with respect to the end of government. Monarchy is a kingdom which has one natural and one civil person at its head, and whose end is the common good. The corruption of monarchy is tyranny, and this occurs when the king betrays the common good, or subordinates it to his private interest. Aristocracy has much to commend it, but it can quickly degenerate into the despotism of the strongest or the richest. In democracy the sovereign power is in the hands of all the people, but most democratic constitutions insist on some electoral qualifications that the voter may be more competent for his task. The corruption of this type is called "Ochlocratie, which is the confusion of the community when the Rabble rout or multitude have the Rule."² A Mixed Commonwealth is one in which two or all three of these forms are mixed and share the sovereignty between them. If the king has the most eminent part in the supreme power, it should be called a monarchy. The advantages of monarchy lie in its unity, and the greater mobility that it has for resisting invasion and quelling rebellion. That of aristocracy lies in its dependence on councils composed of the ablest men in the commonwealth. "The good of Democracy is

¹Ibid., p. 77.

²Ibid., p. 87.

Liberty, and the courage and industry which liberty begets."¹ The advantages of a mixed commonwealth, in Baxter's judgment, lie in its unique ability to combine all the best features of the three.

Because the divine universal form of government is monarchical, Baxter firmly believed that the most imperfect order of rule is that one which departs farthest from this ideal. By this he meant the democratic type, and marshalled twenty arguments² to prove his point. Among the more important are the following. In the first place, a community or aggregate of people does not make a commonwealth, for there is neither sovereign nor subject. Furthermore, if a community was all that was required, then a ship full of passengers could qualify, but that is nonsensical for how can the governors be the governed at the same time. This is quite contrary to God's ordering of things, "For the Relate cannot be without its Correlate."³ In the second place, if the people were meant to have the sovereign power they would have to possess a "Supereminency of Wisdom, Goodness and Power"⁴ but these are not found in the multitude. Even if these qualities existed to some degree, this would only indicate an aptitude and in no way a 'title' to sovereign rule. The title or right must be there as well as the

¹Ibid., p. 464.

²Ibid., pp. 89-105.

³Ibid., p. 64.

⁴Ibid., p. 65.

aptitude, and this can only be given by a superior, in this case, God himself. Thirdly, both nature and scripture deny that the people ever possessed any such aptitude or title which would indicate that they were intended by God to have the sovereign power. Again, if people with no aptitude are permitted to govern, judge, and punish themselves, then their own self-love will prepare the way for the end of all government and justice. They would be like children who are unable to discipline themselves. To cite another argument, the worst government is the one which is most subject to division and faction within itself, and this is certainly the case with democracy, for "the society will wheel about like the Weather-cock, one party making Laws, and the next repealing them, as each can get the Major Vote."¹ Again, democracy will not work in the army where secret counsel and haste are often needed; neither will it work in government where quick decisions and immediate execution are likewise required. Lastly, popular government is farthest from the kind of government which Christ gave to his Church. In it he has made himself monarch and he has appointed bishops and pastors to be rulers over particular churches and has commanded the people to obey them. How strange then would it be if he had made the people rulers in the state. Finally Baxter reiterated:

Then is not the least degree of Governing Power in the people as such. This Doctrine hath been guilty of Rebellion and confusion in Church and State: it hath overthrown the very nature of Churches and Commonwealths; by turning the

¹Ibid., p. 66.

Governed into the Governours; and confounding the Rulers and the Subjects. It crosseth the Orders of Gods own Institution that require the Governours to Rule well, and the Subjects to obey them in the Land, and not to be the Rulers of their Rulers.¹

A mixed commonwealth, according to Baxter, is one in which either two or all three of these main forms of government are "so conjunct, that the Supremacy is divided among them, sometimes equally, sometimes unequally."² He mentioned the current debate of the Civil War period about whether England was a monarchy or a mixed government, but as he was a parliament supporter there is no doubt about his conviction in the matter. Indeed, his survey of the various governments at work in the world and many utopias on paper convinced him that the constitution of England was "already ballanced with as much prudence, caution and equality,"³ as he had found anywhere.

The government of England was usually referred to as monarchical, because of certain eminent prerogatives of the king.⁴ Among these prerogatives were the making of peers for the House of Lords, and the calling of meetings of parliament. He was expected to call parliament at least once or twice yearly.⁵ The Lords were entrusted with the highest powers of judicature in the land, and consequently "are an excellent Screen or Bank, between the Prince and the People,

¹Ibid., p. 68

²Ibid., pp. 87 f.

³Ibid., p. 207.

⁴Cf. post. pp. 87 f.

⁵Ibid., pp. 479 f.

to assist each against the Encroachments of the other, and by just Judgements to preserve that Law which ought to be the Rule of every one of the three."¹ Normally it was the duty of the king to govern by the laws which were made by all three estates but if he failed then the Commons had to assume his responsibilities. This meant that in any real emergency or usurpation of privilege the combined legal power of the Lords and Commons was more than sufficient to restrain the tyranny of a king.

Since Baxter never really went beyond the treatment of how power is established, in his Holy Commonwealth, it is not surprising that there is practically no mention of the role of parliament in the mixed government which he seemed to favour. He listed five functions of parliament in the course of his defence of the part he played in the Civil War, but these comprise his only treatment of the subject, at least, as far as we have discovered.² These functions are: 1. "It is a Representative of the People as free." It is to be assumed that when a mixed government is constituted by contract with the sovereign that certain rights and liberties are reserved for the people. If so, then the parliament which is elected by the voters of the commonwealth becomes the trustee of the people's rights and liberties granted by the constitution. 2. "It

¹Ibid., p. 465.

²Ibid., pp. 457-66.

Representeth the People as Subjects." This means that the parliament becomes the channel through which the people present their grievances to the king and petition him for relief. 3. "By the Constitution they have part in the Sovereignty." One of the marks of sovereignty is legislative power, and this the parliament has. It shares not only in the enacting, but in the proposing of legislation. The houses of parliament together have sole responsibility for the levying of taxes, "the sinews of Peace and Warre," and for impeaching those who violate the law or betray the common good. 4. "They are the Kings chief Councel." In all things that concern the safety, peace and welfare of the people the parliament must be heard, and the solving of national problems is something in which king and parliament should concur.¹ In Baxter's estimation the insight into the country's affairs gained from being the King's counsellor, uniquely fits the parliament to be the guardians of the common good. 5. The two houses of parliament together form the highest court of justice in the land with absolute power over all the subjects. There is no appeal beyond the parliament and the judges appointed by the king.

¹Ibid., p. 116

Chapter 11

SOVEREIGNTY AND POWER

(a) "Of the Objective or Material Differences of Government."¹ Those who think that

. . . it costeth the world more to limit Princes then its worth: and that if they are absolute, their Interest will lead them to cherish their people: Or if they should grow cruel, God will protect us, and turn it to the best:²

got no sympathy from Baxter. Such a doctrine was unthinkable, just because "The heart of man is deceitful and desperately wicked; and what will it not do, if it may do what it will?"³ Baxter mentioned other reasons for not tolerating absolute rulers. When a ruler realized that his power was unlimited, he was inevitably tempted to abuse it. Furthermore, both nature and reason tell us that one man should not have the power to ruin a nation if he should so will. If subjects assist a despot by giving up their own interests to him, it is contrary to God's will. For God intended the people to be the means by which the divine intention in government is protected from the irreligiousness of tyrants. Another reason for opposing absolutism is that the God-given rights and privileges of individual citizens are taken away from them.

¹Holy Commonwealth, pp. 106-120.

²Ibid., p. 203.

³Ibid., p. 204.

Lastly, the experience of the world has taught men that there are many wicked kings for one good one, and therefore to refuse to exercise any restraint is to surrender the kingdoms of the world unto Satan. And so Baxter concluded in summary, "Governors are some limited, some de facto unlimited: The unlimited are Tyrants, and have no right to that unlimited Government."¹

Rulers are limited in three ways: by God, by the people, and by their own covenants.² God limits sovereigns in the extent and exercise of their power by the nature of their appointment as his officers. They must acknowledge him and govern according to his universal laws. His law requires that kings be examples of Christian obedience; that they advance the church and realize the common good. If they persist in legislating for their people against God's law, they cease to be God's officers, and their subjects are automatically freed from subjection. Consequently, they bring upon themselves the wrath of God and the rebellion of the people. However, though princes are limited by all the things mentioned in God's law, they are unlimited in all the things which God has left undetermined. This sphere of absolute power can be limited by the people themselves, and this constitutes the second method of restriction. According to Baxter, the people were intended to be God's instruments in the limitation of sovereign power, and therefore they serve

¹Ibid., p. 106

²Ibid., pp. 376 f.

God and themselves if they protect themselves from tyranny. Proof of this can be seen in the fact that God has left to the people the determination of what form of government they shall have, and the choice of their rulers, and the terms of the contract which bind them to their rulers.¹ The third way in which a prince is limited is in the terms of the contract itself. No king can govern unless providence selects him and the people accept him. The terms of this acceptance or contract become the fundamental laws which constitute government. This agreement must be worked out in such a way that the ruler's power is compatible with the people's security, and their rights compatible with the responsibility of his office. Once the prince has signed this covenant and promised to rule in accordance with it, the limits of his power are clearly defined and beyond its terms he has no more authority than any private individual.²

Continuing the discussion, Baxter listed four reasons which give the "ruled" the right to limit their "rulers". In the first place, "The people can restrain a Prince de facto, because they have the strength,"³ and can demand that due consideration be given them in the administration. He argues that if a whole army stands in defence of a traitor, the General cannot punish him, for neither to generals nor to kings is given the right

¹Ibid., pp. 376 f.

²Ibid., p. 430.

³Ibid., p. 108.

to impose sheer brute force. If the people use their strength to frustrate the ends of government in their own self interest, it is their sin and they will be held accountable before God. Secondly, subjects limit their sovereign in that their consent must be embodied in the agreement. He cannot enforce a law unless they have consented to him as the law-making and law-enforcing agency. "Their consent is Conditio sine qua non of his execution."¹ Thirdly, the people have a right to limit the governing power for the sake of self-preservation.² Fourthly, since nature has given to the individual a propriety over himself and his belongings, the duty of government is to protect this right and guarantee it. The people therefore, in their contract decide what power the sovereign has over private property and personal freedom for the purpose of taxation and military service.³

On the problem of limiting the power of kings, Baxter dealt with a few cases to illustrate his thought more clearly. Although it is quite lawful to limit a sovereign in the things left undetermined by God's law, any limitation which hinders the magistrate in executing the universal law is sinful. If the limits set are contrary to "Gods Institution of his Power," then the magistrate should not consent to rule that people. For instance, if the people limit the sovereign in

¹Ibid., p. 109.

²Ibid., p. 113.

³Ibid., pp. 114 f.

such a way that he cannot punish idolatry and adultery which are contrary to God's law, it constitutes unlawful restraint, and no king should agree to it. If the limits do not hinder the common good but only the higher perfection of the commonwealth, then he may assume them. Or again, the sovereign may consent to a contract which restricts his freedom of action, as long as it only leads to the omission of some duties, and does not bind him to the commission of wrong. Sovereigns must always remember their responsibilities to God as rulers.

Concerning the powers of the sovereign and the rights of the subjects in the matter of taxation and military service, Baxter elaborated:

Men have the primary Propriety in themselves, and the secondary in their estates: and as no Governor may take away the lives of all the people, on pretence of justice or necessity, but only some on just occasions, and that for the good of the rest, so no Governor may take away all the estates of the peoples, but only part to preserve the rest: Nor may he justly take from them the Propriety, leaving the possession.¹

It is clear that there is to be no taxation or military service without consent. Baxter felt that the ". . . ordinary stated Revenews necessary to his (the king's) personal or annual-publick use"² should be granted in the contract. In the event of attack, the king has power to mobilize part of the population and to levy extra taxes to preserve the commonwealth, but the people are to be on guard against unnecessary conscription,

¹Ibid., p. 114

²Ibid., p. 115.

and arbitrary seizure of personal property. The same balance of power applies in the enforcement of justice. The sovereign has the authority to enforce justice by taking away a man's propriety (life or property), but through the institutions of justice the people have the right to channel that authority and keep the punishment equal to the crime. Baxter believed that it was not practicable for these restraints to be imposed by the whole body of voting citizens and so the parliament of elected representatives becomes the proper body to protect the people's interests.¹

Once again Baxter warned his readers that people who limit their sovereign by natural right, strength or consent, do not participate in any way in governing authority. In the course of his refutation of Hooker's theories, Baxter wrote,

Always distinguish, 1. Between the peoples Giving away their Propriety (in their Goods, Labours etc.)(which they may do) and giving Authority or governing Power (which they have not to give.) 2. Between their naming the persons that shall receive it from the Universal King, and giving it themselves. 3. Between bounding and limiting power and giving power. 4. And between a sovereigns binding himself by contract, and being bound by the Authority of others.²

When the people use the advantage of their strength to make a contract with their sovereign, this act is not one of governing power, but merely one of self-preservation. In cases of unlawful limitation it is

¹Ibid., p. 115 f.

²Directory, Pt. IV, p. 15, Section 23. Cf., Holy Commonwealth, pp. 194 f.

mutiny against God. "Limiting by dissent is not Governing"¹ insisted Baxter, and if the people have any governing authority at all it is not because God has invested them with it, but because the king has invited them to participate in sovereignty through their elected representatives.

(b) "Of the Foundation, efficient and conveying causes of Power."²

Baxter argued from nature that the source of all power whether physical, spiritual or political is in God, the Creator.

To ascribe Power to any other as the first efficient cause, then God, is to make more Gods than one; for that which hath one independent underived Power, and is the first cause, is God. And if this be ascribed to any creature, it is an Idolatrous deifying of that Creature.³

The Holy Scriptures verify this; the Apostle Paul writes, "For there is no power but of God; the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God."⁴

It is therefore Treason against the God of heaven, for any man or Angel to pretend to a Power that is not derived from Him, who is the Cause of Causes, and Original of Power.⁵

This makes of every earthly sovereign a "minister of God to thee for good." Baxter insisted that every ruler must be esteemed as God's

¹Holy Commonwealth, p. 109.

²Ibid., pp. 121-200.

³Ibid., p. 121.

⁴Romans xiii, 1-2

⁵Holy Commonwealth, p. 122.

⁶Romans xlii:4.

minister for "The least beam of Majesty derived from God, hath greater splendor then all the world . . . is able to communicate."¹ To make a free man a slave is not so great an abasement as to hold that a prince is the creature of men's will. If the magistrate's power is not of God, he will be tempted to use it irresponsibly, and subjects will have no good reason for obeying him. Government will only be held in high esteem if people accept the verdict of both nature and Scripture which command obedience to God's officers, not only for fear of punishment but for the sake of conscience.

Power to govern is conveyed to the king by God's Law² and God's Providence. God's universal law has ordained that there shall be rule and obedience in the world, and so he channels his power through the vocations of governing and obeying. Secondly, God's power is conveyed through his universal laws which determine the ends of government. These ends are God's pleasure and honour, the common good and public order; if these ends are not being realized, then God's ruling power is not bestowed and there is no government. Thirdly, the law of nature and Scripture teach that all human beings are obliged to obey and observe the laws of God. It follows then that God's authority is conveyed whenever magistrates hold their offices under God and promote the Christian religion. Fourthly, God has set forth the qualifications which rulers must possess. Without these a person is incapable of performing the essential works of government. These qualifications are understanding, will and

¹Holy Commonwealth, p. 123.

²Ibid., pp. 124-34.

executive power. By "understanding", Baxter meant the necessary wisdom or reason, and this can readily be witnessed in the kind of life that a man leads. (It would directly exclude all infants, mental defectives, and the senile.) By "will" is meant enough goodness in the ruler himself to be able to recognize the common good, and to have a strong determination to achieve it. By "power" is meant enough strength to realize the ends of government and to administer justice. Since much of the sovereign's power rests in his army he should show a great interest in the welfare of those who are his strength. If there is a deficiency of the above mentioned qualifications in any ruler, it reveals a careless selection on the part of the choosers, and if the deficiency is serious, it will disqualify him from title to govern at all.

By authority to govern Baxter meant,

A Right and Obligation to Govern particular societies by Legislation (or precept) and Judgement, for the Common good, in subordination to God, the only supreme universal Governour, and his universal Laws and final Judgement.¹

A test of whether or not a ruler has God's authority can be made by comparing the benefits of his government with the benefits that are supposed to issue from the exercise of government under God. A minimum list of these benefits include:

1. As that the Being of the Commonwealth may be preserved.
2. And so much of the well-being, or Common-good as that the estate of the Commonwealth be better than the state of the people would be if they had no Government.
3. That justice be more prevalent in the bent of government than injustice, and the Rulers in the maine be not a terror to good workes but to evill.
4. And that the Universal Sovereigne be acknowledged and

¹Plea for Peace, p. 51.

honored.¹

If a ruler qualifies in this test, then he rules with God's authority and blessing; if he cannot perform these essential parts of a ruler's work then he is a usurper. Baxter defined usurpers as princes "who have not authority given them by God, immediately or mediately".² Those who depose lawful governors by force or fraud are also usurpers and none of them can bind anyone "in Conscience to formal Obedience."³

Power and authority is also conveyed when the people fulfill their duties under God's law. These duties are:⁴ first, how many persons shall share in the sovereignty; secondly, who shall be these individual persons, and thirdly, what is to be the positive law which covers what is undetermined in God's law and which applies to their particular situation.

Now we come to the part played by Providence in the establishment of power in the state. As God's universal law institutes and regulates the office of kingship, and describes the qualifications necessary in candidates for this high office, ". . . so his effective Providence doth qualifie or dispose the particular Subjects and make them capable, and partly make, and partly permit an incapacity in others."⁵ For example,

¹Holy Commonwealth, pp. 128 f.

²Plea for Peace, p. 55.

³Loc. cit.

⁴Holy Commonwealth, p. 127.

⁵Ibid., p. 134.

Providence may deprive a ruler of his understanding or intellect; if this happens, he is no longer capable of ruling and some council or vice-regent should rule on his behalf. Secondly, if Providence permits a ruler to degenerate into vice and wickedness, then he will be incapable of achieving the ends of government, and therefore will have deposed himself. Again, if a king is allowed by Providence to lose his executive strength, then he is incapable of government. Cases like this arise when a prince is forced to become a beggar, or when he is overcome by a conqueror.

Under this disposing Providence, Baxter considers a wide variety of cases, first of usurping kingship,¹ and then cases where there is no government.²

Providence is responsible in God's arrangement of things for bestowing the qualifications necessary for kingship. All the attributes of wisdom, goodness and strength must be present at one time in any candidate for kingship. However, this threefold fitness is only an aptitude for ruling, and one must not infer that every man who possesses them has governing authority. This fitness is only a prerequisite to the right to rule, which right is in turn bestowed separately by Providence. When there are several candidates of equal aptitude from which a ruler is to be chosen, Providence will select through the casting of lots.³ If there is another man in the kingdom more fit for the task of ruling

¹Ibid., pp. 139-61.

²Ibid., pp. 162-64.

³Ibid., p. 167.

it is the ruler's obligation to resign for the good of the people, but on no occasion can it be considered an act of Providence for a more fit person to usurp the kingship. Neither does the mere possession of the seat of power give title to rule. Providence does not make a usurper the rightful sovereign until he exercises his power over a consenting people. If the people choose a slavery or hostility rather than consent, they are quite justified, but the usurper will never become a rightful ruler. In the case of a conqueror, he has no real title to sovereignty even if the war be just, unless the conquered people consent to be his subjects. Only when this consent has been given can we say that providence has deposed one king and crowned another. When a monarch is defeated in war, this is an act of Providence and the subjects are freed of their obligation to him. If a king is unjustly defeated in war, the subjects are still under obligation to him and must seek his restoration, but if in the interim he becomes incapable of government, Providence is obviously taking a hand, and his subjects must not seek to restore him. And lastly, if the army should cast out the king, and resolve to risk the ruin of the commonwealth rather than have him return and if the country prospers without the king's restoration, then the king ought to resign, seeing plainly that Providence is working for a change in government. If he refuses to resign, then "the people ought to judge him as made incapable by providence, and not to seek his restitution, to the apparent ruine of the Commonwealth."¹

¹Ibid., p. 161.

Concerning situations in which there is no government, Baxter believed that because this institution was ordained of God, any government is better than anarchy. For example, wrote Baxter, if the rightful governor has been so long dispossessed of his kingdom that it cannot safely carry on any longer without him, then, "we ought to judge that providence hath dispossessed the former, and presently to consent to another."¹ If in a time of civil war one man should appear to be more fit for governing power than others, then this man should be considered "as good as named by Providence",² and the people should quickly give him their consent. The rule which Baxter applied was this: "Anything that is a sufficient sign of the will of God, that this is the person, by whom we must be Governed, is enough (as joined to God's Laws) to oblige us to consent, and obey him, as our Governour."³ Baxter went on, in cases of conquest the conqueror may soon prove himself to be the only one capable of government, then the people should take this as God's choice and make him their rightful ruler. If a conqueror has the necessary strength but is sadly lacking in the qualifications of wisdom and goodness, then the subject must choose to suffer rather than consent. For, as Baxter pointed out again, bad government is preferable to no government even if the subjects cannot consent to it.

¹Ibid., p. 162.

²Ibid., p. 163.

³Ibid., p. 164.

Closing this discussion, Baxter summarized the relationship of Law and Providence¹ in this manner:

It being already signified in the Law of God, that a people that are without a Ruler shall consent to such as are fittest for them, and the qualifications of such being there exprest, the rest of Gods will to be signified to the people, to bring them under the particular obligation, is but for the discovery of the persons thus qualified: so that Law and Providence concurring, are Gods nomination of his Officers, Whom the people by him are bound first to consent to be subject to, and then to obey.²

God's Law, on the one hand, distributes subjects and sovereigns in subordinate kingdoms for ruling and obedience; it defines the duties of kingship and subjection; it describes the persons who alone are fit to hold office under God; and lastly, it obliges the people to consent to these such worthy persons in God's office of magistracy. God's Providence, on the other hand, confers upon a certain man or men the qualifications of leadership; then it brings these persons to the attention of the people so that their aptitude is apparent to all; whereupon this signification of God's will puts the people under an obligation to consent; and lastly, it is an act of Providence to bring the people to the point of acceptance which is a prerequisite to the full title of government. Thus it can be seen, wrote Baxter, that the law is still supreme with Providence subordinate to it. Providence cannot oblige people; it can only designate the person to whom

¹Ibid., pp. 139, 165-67.

²Ibid., p. 165.

consent is to be given. So it is that God's law and Providence work together to found and convey God's authority in the state.

We now come to the discussion of consent and the place it has in the constitution of civil power.¹

Besides God's law and Providence, there is one other factor required before a commonwealth can be constituted, and that is the contract between the people and their king. The reason for a contract, said Baxter, is that God requires kings and subjects to be bound to each other for their mutual protection. By these covenants they are able to overcome in each other the "sensual interests," the "blind and various opinions" the "violent lusts," the "desperate passions" the "cunning contrivances," and the "many temptations" to which men are subject.² Then Baxter proceeded: "the constituting of the Sovereign is an act of Contract and not of Law: . . . so are the limitations of his Power and Rule, which are part of the Constitution. . ."³ Baxter was anxious to show that law does not precede or establish government. He argued that since all laws are acts of those who have governing power, there can be no such thing as "constituting laws" before there is an authority to make law. He declared that a contract is only valid if it is freely entered into. A free consent embodied in a contract is the sine qua non of governing power. The proper body to express this consent is the

¹Ibid., pp. 168-200.

²Plea for Peace, p. 18.

³Holy Commonwealth, p. 183.

parliament, for the contract which it makes is the "fullest, most regular, obliging acknowledgment"¹ that can be given on behalf of all the subjects. So it is, that people and king determine their relationship to each other, and then God conveys the authority and right to govern.

Baxter drew an analogy between this civil contract and marriage.² God's law is that the husband shall rule the wife, and this law governs all marriages. When the woman declares in the marriage ceremony that she takes this particular man to be her husband, she gives the consent which is the sine qua non to the establishment of the marital relationship. She does not give her husband power over her, she merely designates by her own free choice the person to whom God will give power over her. The only difference lies in this, that a woman can choose whether she will have a husband or not, whereas a people have no choice about government.

Baxter dealt next with some specific cases in which nations are not entitled to a free consent.³ If there are two or three nations in one commonwealth, and one breaks covenant, then it may be ruled by the others without its consent. Sometimes implacable warmongering nations ought to be ruled by force and not allowed consent until they show themselves trustworthy and peace loving. Lastly, if neighbouring nations

¹Ibid., p. 188.

²Ibid., pp. 191 f, 55 f.

³Ibid., pp. 168-72.

turn atheist and spread treason against the universal sovereign, or if they are cannibals, or if they resist the preaching of the gospel, then neighboring monarchs will be obliged for the good of the world to rule them by force without their consent.

Coming now to the question of the franchise,¹ Baxter was of the firm conviction that only a select group in the commonwealth could be allowed this privilege. Furthermore, this group's expressed will had to be accepted by all who had no vote, and its members alone were to be eligible for civil office. Citizens were denied suffrage for the following reasons: natural incapacibilities, "want of competent wealth", and "wilful crimes." Nature makes infants, idiots and women incapable of the vote. Under the wealth qualification all servants and most of the poor are excluded, "not only because they have not those faculties necessary to support the Government, but principally because necessity maketh them dependant upon others; and therefore it is supposed that they are not free in their elections."² He expressed some uncertainty about tenants and their right to vote, but concludes that the contemporary distinction between tenants and free-holders is a good line to draw. This meant that all tenants who did not have leases for life would be denied the vote. However, this wealth qualification was only a secondary one to Baxter, for he knew many honest poor had more right to be voters than many of the wicked rich, and so a character

¹Ibid., pp. 172-79.

²Ibid., p. 172.

qualification becomes the fulcrum on which depends the welfare of the commonwealth. The wicked who are ineligible are very carefully described. Men who are noted for their vices, have suffered punishment for crime, or confessed crimes, are not fit to have any part in government. All men who hate godliness, good laws, good magistrates, or who value their private interest before the public good, are not to be given the franchise. All the sinners whom God commanded to be put to death or cut off from the commonwealth of Israel are deprived of the vote. This last restriction applies to all blasphemers, idolators, worshippers of other Gods, murderers, incestuous persons, sodomites, adulterers, fornicators, witches or false prophets and thieves. It includes those who do not seek God, who break His covenant, who despise public worship and profane the Lord's Day. In depriving these groups from the vote, Baxter said, "We do them neither wrong nor hurt, but preserve our selves from ruine and them from greater guilt. To govern us, does them no good."¹ And then he concluded, "all that are fit to be subjects, are not fit to be Burgesses, and to govern or choose Governours, though they may keep their possessions, and be secured in them."²

About the altering of the constitution,³ Baxter stated that obligations can only be dissolved as they are contracted. Amendment can only

¹Ibid., p. 175.

²Ibid., p. 179.

³Ibid., pp. 195-200.

take place when God and the contracting parties give their consent. God's consent lies in this, that he will not confer the governing authority unless the constitution and the ruler comply with his fundamental laws. Neither the subjects alone, nor the parliament, nor the king can alter the constitution, for if any part attempts it without the consent of the other parts, it is invalid. Changes in the constitution can be made as often as there is reciprocal consent, and the last agreed alteration is the one that binds subject and sovereign. In a hereditary monarchy the contract of the parents of the present generation of rulers and subjects binds their children and their successors, at least until the parties to the consent change their minds, or the ruler breaks the contract or Providence frees them.¹ In this way stability of rule is achieved, for the constitution preserves the species of government and perpetuates sovereignty beyond the life of any particular king or subjects. In this connection Baxter countered an anticipated criticism, by saying that modifications of a constitution may be registered in laws, but laws do not make a constitution. If the constitution is to be radically altered the contract must be remade, and government re-established on a different basis.

Baxter closed the discussion of this subject with the application of his principles to some particular cases. If consent is forced, it is wrong in the person who compels it, but it nevertheless obliges the

¹Ibid., p. 180.

subjects.¹ He did not exclude the possibility of resistance, but if this fails or is not justified, then it is better to suffer than to allow or encourage men to overthrow their covenants. Since consent is always necessary but is not always openly given, then an implicit consent becomes as binding as an open one.²

When the Body of the people submit to the Government in its exercise, seeking for Justice to the Officers of him that is in Possession, and actually obeying his administrations, it importeth in foro exteriore a Consent; at least for the avoiding of greater evil.³

This means that if those who have the power to resist do not do so, it is to be taken for implicit consent and binds all. If the people under covenant dispossess their king, and sinfully enter into covenant with another, they may owe allegiance to both.⁴ In some cases the former covenant will be the one to which men will have to return when the usurper is thrown out; in other cases, if the usurper is the only one capable of government then the latter covenant may supersede the other. In the latter case, if some subjects did not make covenant with the usurper, (unless they can leave the country), they are obliged to obey the powers sinfully chosen by others. It is to be kept in mind however, said Baxter, that if the people approve a usurper after he has shown himself to be the only one capable of leadership, this does not mean

¹Ibid., p. 181.

²Ibid., pp. 184-87.

³Ibid., p. 187.

⁴Ibid., pp. 188-90.

that they are guilty of usurpation or that they approve the methods he used to gain power. They are merely giving consent to the ruler that Providence has elevated to power.¹

¹Ibid., p. 179.

Chapter iii

SOVEREIGN PREROGATIVES, OBEDIENCE AND RESISTANCE

(a) "Of the Sovereigns Prerogatives, and Power of Governing by Laws and Judgement."¹ Baxter believed that sovereignty, whether it was held by one man or many, possessed certain inalienable prerogatives. The first and foremost was the right to be the summa potestas or the supreme legislative power, the highest court of judgement, and the greatest concentration of strength in the state. He enumerated the jura regalia as follows:² to make special laws against treason, and to maintain a private military guard; to bind subjects to fidelity and the country's defence; to pronounce who are enemies of the state, and to declare war and peace; to be supreme commander of the armed forces of the nation; to impose taxes and gather income for the expenses of government; to grant privileges or withdraw them; and the power to make peers and judges. However, Baxter's treatment of this subject would lead one to believe that even if some of the prerogatives are shared with a parliament, others still remain the sole privilege of the king. This is particularly true of the "Eminency of Honour"³ which belongs to all who share in government, but especially to the king. He is God's officer,

¹Holy Commonwealth, pp. 313-45.

²Ibid., pp. 313-17, 464.

³Ibid., p. 316.

and thus the source of all sovereignty in the commonwealth. Baxter believed that this respect is necessary to maintain authority, and so the king has the right to secure it by special laws. Sovereignty must be kept from contempt, he wrote, because "Majesty is a beam from the Heavenly Majesty," and therefore, it must participate of the Splendor in a necessary measure, as well as of the Power."¹

This reverence which subjects are to show to their rulers has a corollary in the burden and responsibility of kingship. He counselled all rulers:

"Remember that your power is from God, and therefore for God, and not against God, Rom. 13:2,3,4. You are his Ministers, and can have no power except it be given you from above, John 19:11. Remember therefore that as Constables are your Officers and Subjects, so you are the Officers and Subjects of God, and the Redeemer; and are infinitely more below him, than the lowest subject is below you: And that you owe him more obedience, than can be due to you; And therefore should study his Laws (in Nature and Scripture) and make them your daily meditation and delight. Josh. 1:3,4,5. Psal. 1:2,3. Deut. 17:18,19,20. And remember how strict a judgement you must undergo when you must give account of your Stewardship, and the greater your Dignities and Mercies have been, if they are abused by ungodliness, the greater will be your punishment, Luk. 16:2. @ 12:48."²

They are to do nothing against the will and interest of Christ, to seek only the public good; to make their legislation the by-laws of God's universal law; to "bend the force of all your government to the saving of the People's Souls"; to encourage and strengthen the ministry and

¹Ibid., p. 316.

²Directory, Pt. IV. p. 8, Chap. 2, Section 1.

yet to rule the clergy in such a way that no dishonour falls on the Church or the gospel; to promote the unity of the Churches and the furtherance of God's rule throughout the world.¹ Civil rulers who work toward these goals are certain to enjoy God's favour and the "Eminency of Honour" among men.

Turning to the place and purpose of law in government,² Baxter gave lawmakers three guiding rules. They are to remember that their law-making authority comes from God, that their legislation must apply the universal laws of God to their particular historical situation, and they must execute them with reference to the divine purpose of government. If the laws violate the end of government, or command anything contrary to God's law, " . . . they are Nullities and private prohibited acts, of no authority."³ Since the social situation for which a law is made often changes with the passage of time, making that particular legislation ineffective or even harmful, it is the continuous task of the legislative authority to repeal obsolete laws and make new ones.⁴ The legislative authority is not to make "idle laws"; that is, "Nothing is to be done or commanded that is

¹Ibid., Pt. IV, pp. 8-11.

²Holy Commonwealth, pp. 110-12.

³Ibid., p. 111.

⁴Richard Baxter, The Judgement of Non-Conformists of Things Indifferent Commanded by Authority, (1676), included in the back of the Plea for Peace pp. 58-61. (Hereinafter referred to as Judgement of Things Indifferent.)

not good before, or made good and useful by the Command."¹ It is also to be kept in mind that not all of God's laws are equally imperative. A Christian subject can disobey the less important laws and still be considered a Christian. The magistrate can violate the non-essential parts of God's law without nullifying his office. "Everything that is a sin destroyeth not Christianity in a Christian, or Magistracy in a magistrate".²

"A Law", wrote Baxter, "is the signification of the Rulers will, constituting what shall be due from and to the subject, as an instrument of Government."³ The term "signification" is used because not all of the ruler's will need be revealed to the subjects as their law. It may be revealed in writing, by word of mouth, by custom, or whatever may truly be called a sign of the ruler's will. A law denotes three things:⁴ it has reference to a specific matter, it reveals the sovereign will concerning that matter, and it signifies what is due the ruler on the part of the subject. Attempting a closer definition of law,⁵ Baxter pointed out that "Due or Right, is the Common nature of Morality, so is it the

¹Ibid., p. 26.

²Holy Commonwealth, p. 112.

³Plea for Peace, p. 12. Cf. Directory, Pt. 1V, p. 12, Section 10 and Holy Commonwealth, pp. 239 f. 320.

⁴Holy Commonwealth, pp. 323 f.

⁵Ibid., pp. 329-34.

essential terminus of a Law."¹ Therefore, "Constitution of Due" ought to be included in any definition of law, and it applies to both subject and sovereign. The law defines what the sovereign owes the subject in the form of rewards or punishments for obedience or disobedience, and what the subject must render the sovereign. It might appear, wrote Baxter, that if the end of the law is the "Constitution of Due", then any privileges given, or "acts of grace" done by the sovereign would be outside the law. He argued, to the contrary, that a privilege granted today has no origin in obligation, but that tomorrow, by precedent, it will be part of the law. What the sovereign grants this year as a special privilege to certain subjects, becomes their right and his obligation to them next year.

Baxter believed that there can be no law until the law-making authority is established. Contracts between ruler and ruled cannot be laws because they were entered into for the purpose of establishing this legislative authority. All law, whether it is made by the county or the city corporation, has the stamp of the sovereign's command upon it by virtue of the fact that they derive their law-making authority from him. The supreme legislative power has the right to decide which laws shall be temporary and which permanent, to abrogate and correct them, and to decide the universally binding interpretation of the law. Baxter also held that it is one thing to make a law, another thing to promulgate it, and until the latter is accomplished the subject is not under obligation.

¹Ibid., p. 329.

He stated his position in this three-fold fashion:

"1. A Law Enacted is truly a Law, as a signum aptitudinale is a sign; but it obligeth not yet. 2. A Law Enacted and Promulgate obligeth, because the Law-giver hath done his part to the full effect. 3. A Law Recieved is yet in nearer capacity for the full effect; but Reception or Actual understanding it, is not necessary to the obligation."¹

Baxter distinguished between a law and a judgement in this way:

"A Law doth instrumentally constitute the Right by way of Regulation:

The Judgement doth but Determine of it when Controverted by way of

decision, or in order to execution."² Judgement is both public and

private.³ All public judgement which can obligate others belongs to

public men who are officers of God, and not to private individuals.

Public judgement is both civil and ecclesiastical: in the first

instance it is made by the magistrate or his judges and is applied

against a subject's person or property; in the second it is exercised

by the pastors of the Church as they apply God's word to the situation

and person concerned. Private judgement belongs to every rational

creature and consists of "a Rational discerning of Truth and Duty, in

order to our own choice and practice".⁴ This judgement is to be

¹Ibid., p. 322.

²Ibid., p. 329.

³Directory, Pt. 1V, p. 21, Section 49.

⁴Loc. cit. Cf. Ibid., Pt. 111, p. 106, Question 28, Cf. Judgement of Things Indifferent, p. 31. Cf. (Richard Baxter, The). Judgement of Non-Conformists of Things Sinful by Accident and of Scandal, (1676), included in the back of the Plea for Peace, pp. 76 f. (Hereinafter referred to as Judgement of Things Sinful.)

applied by citizens to all state legislation to determine whether a Christian subject should conscientiously obey or resist. To Deny men this private judgement "is to make them Brutes, and Kings to be but Governours of Cattel; and to tell men, that they must not know when to obey or whom".¹ Baxter intended this individual freedom to be a check on the development of dictatorship through a narrow or biased interpretation of the law.

To Baxter, the power that makes the law is obviously above the law; "No Sovereign is under his own Laws as Governing Laws".² In practice however, the sovereign would not disregard his own legislation, but, added Baxter, ". . . that is not for want of Power, but because Prudence doth prohibit him".³ The sovereign's personal intellect and will, by virtue of his office become the public reason and will of the commonwealth. But subjects are not to jump to the conclusion that because they corporately must have one reason, one will and one executive power that they are under tyranny. They should understand, reiterated Baxter, that on the one hand, the ruler must honour God and his contracts, and on the other hand, subjects have the right to evaluate all legislation, discern their duties and act accordingly. This behooves every king for his own and the commonwealth's safety to see that there is no conflict between a subject's duty to God and his

¹Plea for Peace, p. 45.

²Ibid., p. 58.

³Holy Commonwealth, p. 340.

duty to his sovereign. In a constitutional monarchy the law becomes the expression of the corporate will, and thereby becomes the governour of all including king, lords and commons.¹ Having said this, Baxter hedges by reserving for the king a certain preeminence which exists not so much in his power as in his status.

We have now dealt with the primary duty of sovereignty which is legislation, let us now turn to the second important task, namely, the appointment of subordinate magistrates.² The people may select or elect their own officials at the local or county level, but these do not assume authority until the sovereign power confers its warrant upon them.³ Governments should be meticulously careful to confer authority only upon the worthiest persons in the land, and to advance these in positions of trust. These officers should be "God-fearing men, pious, prudent, just, courageous and of public spirit".

Baxter concluded this section on sovereignty by advising his readers to submit to their earthly rulers for God's final judgement was near, and the expectations of the righteous would not be in vain.

¹Ibid., pp. 430 f., 465.

²Ibid., p. 341-45.

³Ibid., p. 341. Cf. Plea for Peace, pp. 53 f.

(b) "Of due Obedience to Rulers, and of Resistance."¹ "It is the Command of God the Universal Sovereign," wrote Baxter, introducing his exegesis of Romans xiii, "that every soul be subject to the higher Powers, and resist them not; and this is not only for fear of punishment, but for conscience sake, Romans 13:1 to 7, Titus 3:1, 1 Peter 2: 13,14,15."² He went on to say that when Paul said that "there is no power but of God", he was referring to civil, and not to natural powers, and he implied that they are all ordained of God. Government is of God's institution, and all subordinate departments and officials participate in this divine origin. God institutes the office first, in his universal law, then he providentially confers the power to specific persons. God commands subjection first to the office, and secondarily to the person in that office. Subjection is only to be given if God has granted the office-holder the jus regendi. Baxter warned his readers that, "Possession of Strength is separable from possession of true Governing Right."³ The end of civil power under God is to be a "terroure to evil works"⁴ and the inspiration of good ones. Or, in other words, the ruler "must take more care of Gods interest than his own; and of our souls than of our bodies, and of Religion than of Commerce."⁵ When

¹Holy Commonwealth, pp. 346-455.

²Ibid., p. 346.

³Ibid., p. 351.

⁴Ibid., p. 348.

⁵Plea for Peace, p. 162.

the end of government is the subject's good, subjection becomes a necessity for the sake of conscience. From this follow all the other duties of subjection, such as paying tribute in taxes, honour, service etc.

In his memoranda to civil governors Baxter appealed to rulers to encourage the Christian religion on the ground that Christians make the best subjects on earth.¹ The obedience of the ungodly is only a "material" obedience, like that of a rebel who obeys as long as it suits his ends, but the Christian gives his sovereign both "material" and "formal" obedience, "from a right principle, and to right ends".² As for infidels and atheists, how can they obey a prince as an officer of God, if they do not acknowledge God? ". . . he that subjecteth not his soul to the Original Power of his Creator, can never well obey the Derivative Power of earthly Governours."³ But the real advantage of Christian obedience lies in this, that having begun with God, they obey governors as the officers of God, and this makes their obedience "participatively divine".⁴ To put it negatively, if the Christian does not give obedience to civil rulers, he is disobeying God whose servants they are, and the penalties for disobeying God are far worse than any magistrate can exact. The first and worst of these penalties is God's

¹Directory, Pt. IV, p. 9, Memorandum 7.

²Ibid., Pt. IV, p. 16; Direction 2.

³Loc. cit.

⁴Holy Commonwealth, p. 354.

displeasure and everlasting damnation. Secondly, he wrongs the magistrate, for it shows that he takes him to be "the messenger of some Jack Straw, or some fellow that signifieth no more than his personal worth importeth."¹ And thirdly, he wrongs himself, for to neglect the authority of God in his rulers is to forfeit the protection and reward of God.

Other characteristics and advantages of Christian obedience follow.² The Christian is to obey not only good rulers but bad ones, even heathen rulers, and if he cannot conscientiously obey, then he must not violently resist.³ Godliness not only rules the outward acts but also the heart and thoughts of the believer, therefore a Christian is to have no evil thoughts or desires against his king. Nor is he to divulge or discuss the vices of his governors lest it impugn the dignity of their office.⁴ He is not to keep company with "murmurers at governments" who agitate for a change in rulers when the root of the trouble is their own sin. It is not the duty of the subject to censure his superiors; it is better, counselled Baxter, to "Set yourselves much more to study your duties to your Governours, than the duty of your Governours to you; as knowing, that both your Temporal and Eternal Happiness dependeth much more upon yourselves than upon them."⁵ Christianity teaches patience and a

¹Directory, Pt. 1V, p. 16, Direction 3.

²Ibid., Pt. 1V, pp. 31 f.

³Ibid., Pt. 1V, p. 23 f., Section 58, 60. Cf., Plea for Peace, pp. 48, 57.

⁴Ibid., Pt. 1V, p. 16, Section 27.

⁵Ibid., Pt. 1V, p. 20, Section 45.

willingness to bear the cross of suffering, and therefore the Christian ought never to think of rebellion to alleviate personal suffering.¹ The good citizen has more concern for God's honour and the public interest than his own.² Because a Christian's ambition is not for the success and riches of this world, his contentment contributes much to the public peace. In addition, it makes him sympathize with rulers who are tempted by power and wealth, and leads him to pray continually for their welfare.³ In short, "Nothing is more sure than that the Godliest Christian is the most orderly and loyal Subject, and the best member (according to his parts and power) in the Commonwealth."⁴

Returning to the application of Romans xiii to a heathen ruler like Nero, Baxter interprets St. Paul in this fashion. He said that the Apostle is calling for obedience to the office and not the holder of the office. Furthermore, he said, Nero was worthy of obedience, in part at least, because when he took office he promised to govern within the Roman law and with the help of the Senate, and it could be truly said of Roman government that it was a terror to evil works and a promoter of good. Paul was right in declaring Nero to be an officer of God because,

"1. The Apostle lookt at the whole frame of Government, Laws, Senate, Officers, as well as at Nero. 2. Nero had the consent of Senate and people before Paul wrote this. 3. Settled possession signifieth a Consent; For the People are the strength and the strongest can resist, if they will: and they that can

¹Ibid., Pt. 1V, pp. 17-19, Sections 31, 32, 43.

²Ibid., Pt. 1V, p. 17, Section 29.

³Ibid., Pt. 1V, p. 19, Sections 39, 40.

⁴Ibid., Pt. 1V, p. 32, Section 98.

and do not, shew that they will not. 4. The Apostle supposeth that the private Christians to whom he writeth, were not the Judges of the Titles of Princes, Senates or People."¹

Baxter found it difficult to see how an infidel could be a lawful governor,² yet because Christ and the apostles had obeyed the heathen rulers of their generation, it is certain that all men must obey them. At this point he disagreed with St. Thomas Aquinas who said that infidels could not be governors of a Christian commonwealth. St. Thomas declared that if they did hold office it was only temporarily until the Church took it away from them. In Baxter's estimation it was quite contrary to Pauline teaching to say that obedience to an infidel ruler could never be more than a temporary obligation. On the contrary, "If the Infidelity of a Prince be not notorious he is no Infidel to you and me",³ and since he occupies God's office, subjects owe him obedience. Baxter added that even if a ruler be a notorious heathen and persecutes Christianity, subjects owe him their loyalty provided that he maintains law and order, and prevents the ungodly from attacking the faithful. Even those rulers who commit deeds which nullify their authority, may be given "material" obedience (although not "formal"), if for no other reason than to avoid the greater evils of anarchy.

Concluding this discussion on obedience, Baxter commented on

¹Holy Commonwealth, p. 354.

²Ibid., pp. 365-71.

³Ibid., p. 366.

several opinions commonly held about the ruler's responsibility in Church and state.¹ The first one is that the chief-of-state in a theocracy has no right to rule if he is an unbeliever. Baxter disagreed, and argued that the office remains the same regardless of who fills it. Since most infidel princes believe in some sort of God, their rule in the state is quite acceptable, and it is also tolerable in the Church up to a point. This point is reached whenever Christian conscience finds itself at odds with State legislation for the Church. When such situations arise, Baxter released Christian subjects from obedience to their king. How an atheist can govern in God's office is hard to imagine, but Baxter resolved it in this fashion. He distinguished between a ruler that is simpliciter, and one that is only secundum quid; between one that is tolerated in the office and one that has God's approval; and between one that the people are bound to obey in tantum for civil order, peace and safety, and one they must obey in matters of religion.² Another popular opinion was that the Church should have complete civil and ecclesiastical power over its own affairs. This would have made the clergy supreme by giving them both the power of the keys and the power of the sword. Baxter saw in it the papist doctrine which would free the Church from all subjection to civil authority, and he could not tolerate

¹True Concord, pp. 250-53.

²Ibid., p. 251.

such a confusion of what Christ had intended to be "separate offices". He was also opposed to the more extreme Presbyterians and the Prelates who wanted to take from the magistrate all his judicial power over the Church, and yet leave him the executive. Baxter found himself in agreement with the moderate Presbyterians and those Independents who believed that the magistrate's power ought to be in the Church and yet be independent of the Church. The last commonly held opinion to which Baxter was averse is that civil power belongs to the people. He was convinced that civil obedience would break down if the people were allowed to rule themselves. His other arguments have already been cited.¹

Before dealing with the casuistry of resistance, it is necessary to clarify the meaning of this term. At first sight, one might ask the question: if subjection is required of all Christians and if disobedience is wrong, why talk about resistance at all? Baxter felt that those who interpret Romans 13:2 to mean only violent resisters to authority, misunderstand the apostle. "It is Anti-subjection, or breaking out of the rank of subjects, which the Text forbids."² Hence, room is left for a resistance which is not contrary to subjection.³ Subjects can be only freed of their subjection by the unlawful acts of their sovereign. By "unlawful" Baxter meant acts which go beyond the authority of the office

¹Supra, pp. 61 f.

²Holy Commonwealth, p. 372.

³Ibid., p. 352.

under God. If a king breaks his covenant with the people, or disobeys God's laws, he has forfeited his right to rule, and thus frees his subjects from their obligations to him. When subjects resist such a sovereign, even if they depose him, they are not resisting their rightful magistrate but the will of a private citizen, a usurper.¹ The term "resistance" for Baxter meant both a passive disobedience to a single command of a rightful sovereign, or in the case of a usurper, armed violence and revolt.

Baxter approached this explosive subject with considerable caution. First, he stated the general rule which must govern subjects most of the time, "Rulers must be obeyed in all lawful things."² The question at issue is not the ruler's authority, for all authority is lawful, in the sense that it has the jus regendi,³ but what is at issue is whether or not the laws of the government conform to the laws of God.⁴ If they do, obedience is inescapable. If subjects are unable to discern whether the command is lawful or not, they must obey. If a subject's conscience bids him obey his sovereign and disobey God's law, he cannot be right and will be held accountable for his sin. Secondly, Baxter warned his readers that magistrates frequently command things which are,

¹Ibid., pp. 375, 379 f, 424, 429, etc.

²Ibid., p. 355.

³Judgement of Things Indifferent, p. 23.

⁴Ibid., pp. 27 f.

strictly speaking, unlawful, but still they must be obeyed. An example of this would be a single act of legislation which is against the common good. It would not obligate the subject in itself; but because God's law requiring respect to rulers takes precedence over it, then obedience to an "unlawful" law becomes a duty.¹ If a king seldom makes a breach of God's law, or of his contracts with the people, "... it cannot be taken for a forfeiture of his Power, nor sufficient to warrant men to withdraw subjection".² In Baxter's mind was the belief that God had a law for rulers and a law for subjects according to which each shall be judged.³ For instance, he meant that it is more important for a subject to see that his behaviour complied with God's law of subjection, than to be judging the conduct of rulers. The same applied to rulers and God's law for them.

Carrying the argument a bit further, Baxter distinguished "material" and "formal" obedience. "Material" obedience, or respect for God's office of civil power is always obligatory, but "formal" obedience can be withdrawn in the case of a particular law, or even entirely in the case of an incompetent heathen ruler. This means that resistance is lawful provided that those resisting preserve the honour and authority of the ruler, and show a readiness to obey him in all things lawful.

¹Plea for Peace, pp. 17, 58. Cf., Directory, Pt. IV, p. 25, Section 67 f., and Judgement of Things Indifferent, pp. 35 f.

²Holy Commonwealth, p. 374.

³Plea for Peace, pp. 47 f. Section 59 f. Cf., Directory, Pt. III, p. 169, Question 132.

Baxter gave an illustration of a king who is guilty of oppression and persecution: unless the oppression threatens the very life of the commonwealth, it is better to suffer, for a sovereign's honour is ". . . more necessary than our Rights to the common good".¹ Involved in this "material" obedience is the doctrine of the inviolability of the king's person. It is never fitting for subjects to assault their king, let alone take his life.² However, subjects can withhold "formal" obedience by openly resisting the officers of the sovereign when they attempt to exercise an authority which no God-appointed ruler could have given them.³ In summary then, God's office of kingship and the king's person always require "material" obedience; "formal" obedience consists of the subject's wholehearted consent and cooperation and this can be refused under sufficient provocation.

Before dealing with resistance itself, Baxter pointed out the value of a Christian witness of passive resistance under civil punishment. Although God's law requires a man to submit to authority, it does not require him to submit to suffering and punishment unless for disobedience. When subjects are punished without just cause they have the right to seek the mediation of friends or flee the country. However, it is at

¹Ibid., p. 40.

²Ibid., p. 78.

³Holy Commonwealth, pp. 379, 382. Cf., Plea for Peace, p. 76, Sect. 33.

this point that a Christian must carefully distinguish between self-interest and the public good. God may require Christians to give "material" obedience to those who have no real authority, or to withhold "formal" obedience to constituted authority for the greater good of the commonwealth. Since a Christian subject's chief end is the "Charity, Peace and Order" of the state,¹ in cases where obedience to God involves civil punishment, it is better to suffer than to seek redress, or flee, for God can use patient suffering more than we know.²

Since one of the ends of government is the promotion of the common good, several cases of justifiable resistance hinge upon it. If a king consistently legislates against the good of all, no subject is obligated, and resistance is a duty.³ Since the king's person and life are essential to the common good, any attempt on his part to commit suicide must be forcibly resisted. Again, any encroachment upon the proprietary rights of subjects justifies resistance.⁴ If a sovereign power deliberately attempts to destroy the people, then resistance is allowed, for a nation must have some protection against a king's irresponsibility. "He that thinks a Parliament or Nation," affirmed Baxter, "should lay their necks upon the block, or quietly perish whenever a king would have it so, hath lost so much of humanity, that he is unfit

¹Ibid., p. 380.

²Ibid., pp. 379 f. Cf., Plea for Peace, p. 48, Sect. 64-65.

³Plea for Peace, pp. 15, 53. Cf., Holy Commonwealth, pp. 379 ff.

⁴Holy Commonwealth, pp. 383 f.

to be a Civis, a member of the Commonwealth."¹ The only exceptions to this rule are when the destruction of the nation is necessary for the pleasure of God, the furtherance of the Church or the good of the world. If a nation wrongs its king, it is not lawful for him to injure the common good to set it right; for the harm done would be out of proportion to the injury.² However, if the king makes this a cause for civil war, the people must resist. And again, since the chief part of the common good is the means of salvation, if a king who has covenanted to uphold and defend the Christian faith turns against it, the whole body of the nation is justified in resistance.³

Where the sovereignty is shared between king, lords and commons, several situations may arise where resistance is legal.⁴ If a king violates the contracts and "public promises" which he made at his coronation his subjects are under no obligation to him. If a king infringes upon the powers of parliament in any way, or attempts to change the constitution without its consent, he is to be resisted by both parliament and people.⁵ If the people's proprietary rights are guaranteed in the constitution, then any encroachment is to be resisted. Since the law is above the holders of sovereignty in a constitutional monarchy, they are all answerable for their actions before it. This entitles a subject to

¹Ibid., p. 417/ Cf., Plea for Peace, p. 57.

²Ibid., p. 420.

³Ibid., pp. 440-43.

⁴Ibid., pp. 426-40.

⁵Ibid., pp. 375 f.

resist injustice by suing the king or any of his officers.¹

Where the sovereignty is in several hands, the people should resist any clique that would tip the balance of power and seize control over all.² If a government dissolves over a difference between the parliament and the king, and civil war is threatened, the people must support the more just side; but if parliament and king are equally to blame and the welfare of the commonwealth is neglected, then the people are obligated to defend themselves against both. Of course, if the constitution states which side becomes sovereign in the case of a division then the people's loyalty is decided for them. If a division leads to the total collapse of all administration the people return to government by the laws of God and Nature. If the people decide to make war upon the king because of some wrong done to an individual or group, it constitutes rebellion, for civil war is only justified by that which is "notoriously more dangerous to the Nation than the Warre itself."³ If a parliament conquers the king, its first duty will be to choose another, for its action does not end the monarchy or change the constitution. Baxter closed this section with the remark that if there were no parliament he does not see how resistance can be effectively organized.

In the event of war there are several cases of obedience and

¹Ibid., pp. 430 f.

²Ibid., pp. 431-36.

³Ibid., p. 445.

resistance to be considered. At the outset, Baxter reiterated, it is the duty of a subject to defend the life of his sovereign and country by the sacrifice of his own if necessary. In all just wars his duty is clear but since "unjust war is murdering"¹ the penalty under God is heavy for anyone who willingly participates in one. Baxter's advice was that no subject should wage war at a prince's command unless he is sure that he is doing the right thing. If the cause is unjust, then he must refuse the king his service and take the consequences; if he has no capacity to know or to judge whether the cause be just, he must bear arms, and the king will answer to God if it is an unjust war; lastly, if he prefers ignorance to making it his duty to ascertain the facts, then God will hold him responsible for his sin, even if it is committed at a king's command.

Having intricately dealt with the casuistry of resistance and obedience, Baxter closed with a final word of advice. Individual men are not the judges of the titles of their princes, for if they were, each subject would require satisfactory evidence of his king's title to the crown before he would be obliged to obey, and obedience would be rare.² This power of judgement is theirs only through their parliamentary representatives. The most frequent cause of rebellion is the "proud censoriousnesse of Subjects, that think themselves capable of

¹Ibid., p. 363.

²Ibid., p. 371.

Judging all their Rulers actions, when they are so distant as never to know or hear the Reasons of them."¹ Since every man naturally wants to be a king and a law unto himself, this rebellious disposition must first be subdued as a greater threat to the nation than princes are. Most men need not to be told how often they may resist, but rather that they must always obey. "The most excellent Policy is true Piety: and the principal way for Princes to oblige the Subjects to them, and remove all fears of Seditions and Rebellions, is heartily to devote all their Power and Interest to the Cause of God, and the common good."²

¹Ibid., p. 453.

²Ibid., p. 453.

Chapter iv

CHURCH AND STATE

(a) The Church. In order to better understand the exact relationship between Church and State in Baxter's theocracy, it is necessary to briefly outline his conception of Church government. Since his position on this urgent question of his day sprang from his bitter opposition to Prelacy, perhaps we can best approach his point of view by listing his objections to episcopacy.¹

Baxter believed that Church government by prelates and subject parish priests had no basis in scripture. There is no such office as that of a parish priest answerable to a superior bishop, or of a subject presbyter without the power of the keys. Furthermore, the only office in Scripture which might correspond to that of a diocesan bishop is that of the apostles, but it is quite apparent that the duties of prelates had little in common with those of these New Testament missionaries. And what is not of Christ's own institution or of the apostle's is not to be trusted or tolerated. Secondly, by Baxter's reading of the Scripture a pastor and a bishop are one and the same office, although referred to by different names. This means that every parish priest is a bishop and

¹Richard Baxter, Five Disputations of Church Government and Worship, (London, 1659) pp. 32-63. (Hereinafter referred to as Disputations). Cf., Richard Baxter, A Treatise of Episcopacy (London, 1681), Pt. 1, pp. 5-10; Pt. 11. (Hereinafter referred to as Episcopacy). Cf., Richard Baxter, Church History of the Government of Bishops and their Councils Abbreviated (London, 1680) pp. 12-27; (Hereinafter referred to as History of Bishops).

every parish a diocese. Accordingly the very size of the dioceses in England means that the duties of a pastor-bishop cannot be properly discharged, for most dioceses consist of many score parishes and several thousand believers. What Christ requires of a pastor is a continual watching over each Christian, instructing, admonishing, persuading, countering temptation, comforting the distressed, visiting the sick and rebuking with excommunication. This requires a person to person relationship with the members of the congregation and this is only possible if the pastor is resident among his people. These functions a diocesan bishop cannot fulfill and therefore his office was superfluous. In the third place, the prelates divide the duties of the pastor by keeping to themselves the power of the keys. This means that the pastor has no powers of discipline at all without the consent of the bishop, and it inclined the bishop to rely upon excommunication, absolution and other censures as effective in themselves even though administered from a distance. In Baxter's estimation, to rob the parish priest of the right to decide who is to be baptized, confirmed and admitted to sacrament, inevitably resulted in a complete breakdown of Church discipline. The fourth criticism of prelacy lay in the fact that it virtually gives the power of the keys to laymen. For in order to administer, hear and execute all cases of discipline referred by the parish priests, the prelates have to set up a Court of Lay Chancellors, and according to Canon Law their word is final. Even if these laymen receive their power from a bishop, Baxter considered it contrary to

Scripture, and destructive of the pastoral office as instituted by God. Fifthly, and perhaps behind all his other grievances, lay his objection to the prelates' dependence on force for the administration and discipline of the church. Baxter was certain that coercive power has no place whatever in the discharge of pastoral duties. The pastor can only persuade men by Scriptural arguments. He felt that through the years this combination of pastoral and coercive power in the prelates had exalted them unduly, and had so fostered worldliness and corruption in the Church that they had lost sight of the true source of pastoral authority. The remedy is to clearly define and separate the spheres of civil and ecclesiastical rule, and at the same time to make the State responsible for the general welfare of the Church. In such a division of jurisdiction the prelate's office would vanish, for his duties will be divided between the pastor and the magistrate.

Dealing with church government it is convenient to start as Baxter did with the Universal Church.

There are two Essentially different Policies or Forms of Church-Government of Christ's own Institution, never to be altered by man. 1. The form of the Universal Church as headed by Christ himself; which all Christians own as they are Christians in their Baptism. 2. Particular Churches which are headed by their particular Bishops or Pastors.¹

¹Directory, Pt. III, p. 126, Quest. 56. Cf., Episcopacy, Pt. I, p. 39; Pt. II, pp. 97 f.

The Universal Church is governed by the universal laws of Christ.¹ These have been summarized in some detail above.² The things that God has left undetermined in worship and Church government are many, and are listed below.³

The Universal Church is composed mainly of particular Churches but it also includes many individuals who for various reasons are not members of their local congregation. Baxter defined the "particular Church" as,

A Sacred society consisting of one or more Pastors, and a capable number of Christian Neighbours, consociate by Christs appointment and their own consent, for personal communion in God's publick worship and in holy living.⁴

In this definition he asked us to note the following points: the constitutive parts are pastor and people, and if there is more than one pastor, only one has constitutive authority; the people are the professed baptized Christians who are divided into two groups, the visible church and those "sincere heart consenters"⁵ who form the mystical

¹Ibid., Pt. III, pp. 9-11.

²Supra, pp. 51 f.

³Infra, Appendix C

⁴Episcopacy, Pt. I, p. 33. Cf., Ibid., Pt. I, pp. 125 ff; Cf., Disputations, pp. 80 f; Cf., Plea for Peace, pp. 140 f; Cf., Richard Baxter, Whether Parish Congregations be True Christian Churches, (London, Thomas Pankhurst, 1684) pp. 2 f. (Hereinafter referred to as Parish Congregations); Cf., Directory, Pt. III, p. 125, Quest. 54.

⁵True Concord, p. 230.

regenerated church; the people must be "neighbours", that are known to each other and in fellowship with one another; by a "capable number" he meant that two are defective and a multitude is too many to realize the ends of this divine society; by "consociate" he meant the form of union which joins pastor and people on the basis of Christ's institution; the condition is their mutual "consent"; the end is their "communion" and mutual assistance in holy doctrine, worship, order, conversation and living, the welfare of the universal church, and the glory of God; it must be "personal" because the pastor cannot fulfill his duties to the people, nor the people to each other, unless they know and associate with each other frequently.

There were only two pastoral offices instituted by Christ for his Church: that of the pastor of the particular Church and that of the itinerant pastor whose duties are patterned on those of the apostles.¹ Let us deal first with the office of the fixed pastor or minister. He is defined as follows:

A Minister of the Gospel is an Officer of Jesus Christ, set apart (or separated) to preach the Gospel and thereby to convert men to Christianity, and by Baptism to receive Disciples into his Church to congregate Disciples, and to be the Teachers, Overseers, and Governours of the particular Churches, and to go before them in public worship and administer to them the Special Ordinances of Christ, according to the word of God; that in the

¹Directory, Part III, pp. 10, 36. Cf., Disputations, p. 53.

²Disputations, p. 130. Cf., Directory, Pt. III, p. 98, Quest. 17. Cf., Parish Congregations, pp. 3 ff, 32 ff.

Communion of Saints, the members may be edified preserved, and be fruitful and obedient to Christ; and the Societies well ordered, beautified and strengthened; and both Ministers and People saved and the Sanctifier, Redeemer and the Father Glorified and Pleased in his People now and for ever.¹

We are to note here that the minister receives his authority not from those who ordain him, not from the people who consent to his rule over them, nor even from the magistrate, but from Christ. This authority includes the power of the keys. He is separated or set apart and entrusted with the gospel by a two-fold sanctification: by Christ through the spirit, and by a separation from the rest of the Church "to stand nearer to God, and be employed in his most eminent service."² It also appears that a minister is a preacher of the gospel in general, before he is the pastor of a particular flock; consequently he can be ordained without a particular charge to the general ministry of the Church. His first responsibility is toward the unconverted and the newly converted, then to the baptized whom he gathers into particular churches. It is in the shepherding of a particular flock that pastors subserve Christ in all parts of his office.³ Under his prophetic office they teach, preach

¹Disputations, p. 130. Cf., Directory, Pt. III, p. 98, Quest. 17. Cf., Parish Congregations, pp. 3 ff, 32 ff.

²Ibid., p. 134.

³Ibid., pp. 137 f. Cf., Directory, Pt. III, pp. 36 f; cf., Episcopacy, Pt. I, pp. 34 ff., 132-42; cf., Plea for Peace, pp. 27, 140; cf., Second True Defence, pp. 126-153.

and persuade; in the priestly office they stand between God and the people, delivering the benefits of God to them and offering their sacrifices for them; and in the kingly office, pastors proclaim God's law and command obedience in his name. With this latter office they govern by admonishing, censuring, casting out the impenitent, confirming the weak, approving confessions of the penitent, and absolving them by giving pardon in the name of Christ.

Baxter considered the call of a minister to consist of: first, the personal qualifications with which God has endowed him; secondly, the needs of the congregation and their willingness to entrust their souls to his care, and third, his selection by the ordainers to receive the power from Christ.¹ The consent of the people does not confer any authority but it is necessary to establish the pastoral relationship. The magistrate has no part in ordination although his permission is necessary before an ordinand can practise his calling. How all these factors work together for the establishment and exercise of the office of the ministry is put concisely in the subsequent paragraph.

1. From Gods gifts (of nature and grace) we have our Dispositive Aptitude, without which the Person is not receptive of the Power. 2. From the said word of Institution, floweth our power and obligation itself. 3. From the peoples and ordainers election or consent is the designation of the Individual person that

¹Directory, Pt. III, p. 99, Quest. 18. Baxter defends Presbytery ordination and claims that those conferred in the Interregnum were as valid as Episcopal ordinations. Cf., Episcopacy, Pt. II, pp. 223 ff. Cf., Disputations, pp. 107 ff. Cf., Richard Baxter, Christian Concord, or The Agreement of the Associated Pastors and Churches of Worcestershire. (Thomas Underhill, London, 1653), pp. 42 ff. (Hereinafter referred to as Christian Concord).

shall receive it. 4. to which also his own consent is a cause sine qua non. 5. And the Ministerial investiture is by Ordination. 6. And liberty, and defence and encouragement are from the Magistrate; and Opportunity is from Gods Providence, the peoples present willingness, and usually from the Magistrates leave.¹

Because the pastoral office is ordained by God all Christians are constrained to obey their pastors for three reasons:² by ordination these men are empowered to be Christ's messengers and officers to the Church, and "whoever despises them despises Christ"; their own particular qualifications command the respect and obedience of all Christians; they alone can light the way to peace, pardon, salvation and eternal life. On the basis of the fifth commandment, Baxter argued that obedience to pastors is as necessary and obligatory as obedience to magistrates, for both offices are instituted by God for the welfare of the people.

Speaking of the above ministry as he had defined it, Baxter commented that " . . . whether you call it Episcopatum, Sacerdotium, Presbyteratum, or what else is fit, it is but one and the same Order."³ Even Prelates, Schoolmen and Papists, Baxter added, usually agree that a prelate and a presbyter do not differ in "ordine," but only in "gradu." But to exalt one of the presbyters to such an eminent authority over the others, as in prelacy, and deny the subject presbyters the full rights

¹Plea for Peace, p. 143. Cf., True Concord, pp. 276 f and Christian Concord, pp. 82 ff.

²Directory, Pt. III, pp. 37 f.

³Disputations, p. 140.

of their office was quite contrary to Scripture. "This power," wrote Baxter, "is essentially in the Ministerial Office; and therefore is in every single Pastor, and not only in some few, or in the abler sort, or only in a Synod. Mt. xvi: 19."¹ At the same time Baxter differed from the Presbyterians and some of the Independents who claimed that the apostles created an office of ruling elders who were laymen and had authority to govern, but could not preach, baptize or administer the sacraments. His position is clearly indicated in his words.

" . . . in Scripture times the Names Presbyter and Bishop were common: And the word (Bishops) sometimes signified all the Presbyters (the Bishops as Presbyters and the subpresbyters) as in Phil. 1: 1,2. And that the word (Presbyters) sometimes signifieth the Bishops only and sometimes both conjunctly; But they are none of them able to give us any one instance with proof of a Text which speaketh of Subject Presbyters? (I mean subject in order or degree to Bishops of the single Churches, and not subject to the Apostles and General officers).²

"I confess I know of no Elders mentioned in Scripture, without Ordination; and do despair of ever seeing it proved that the Apostles did appoint two sorts of Elders, one Ordained and the other not Ordained."³

As usual this put Baxter in the role of conciliator between the Prelatical party, and the Presbyterians and Independents, whom he claimed both

¹Richard Baxter, The Difference Between the Power of Magistrates and Church Pastors, (London, Nevill Simmons, 1671) p. 35. (Hereinafter referred to as Difference Between).

²Episcopacy, Pt. II, p. 104. Cf., Ibid., Pt. I, p. 17, Pt. II, pp. 101-104.

³Christian Concord, p. 8. Cf., Richard Baxter, The Profession of Several Whom These Times have made and called Non-Conformists (no place, 1676) pp. 92 f. (Hereinafter referred to as Profession of Several).

"mistake the ancient form and then contend against each other".¹

We can see then, that in his opinion there was and could be no office of lay presbyters and no office of Episcopi Episcoporum. The most ancient bishop and presbyter in the Church was the Episcopus Gregis for it was only this officer who was capable of exercising all the functions of a keeper of the flock as outlined in the New Testament. Along with many other authorities² he quoted Ignatius

ἐν Θουκιστήριον πλὴν τῇ ἐκκλησίᾳ καὶ εἰς
ἐπίσκοπος ἅπα τῷ πρεσβυτερίῳ καὶ τοῖς διακόνοις

and Cyprian, "Ubi Episcopus ibi Ecclesia."⁴ It is for these reasons that in 1659 he spoke for all non-conformists expressing their hopes that,

. . . In every Parish that hath a particular Church, there may be a Pastor or Bishop settled to govern it, according to the word of God; And that he may be the chief among the Presbyters of that Church, if there be any; And may assume fit men to be assisting Presbyters to him, if there be such to be had. If not he may be content with Deacons. And these Parochial Bishops are most ancient and have the Power of Ordination.⁵

Baxter's conception of the Presbytery and the offices of president bishop, and deacons was discussed in the following paragraph.

¹Disputations, Advertisement, p. 5.

²Episcopacy, Pt. II, pp. 103-119.

³Directory, Pt. III, pp. 38. Cf., Plea for Peace, p. 62. Cf., Profession of Several, p. 89.

⁴True Concord, p. 239.

⁵Disputations, p. 334.

There are few Congregations, I hope of Godly people, but have some private men in them that are fit to be Ordained Assistant Presbyters, though not to govern a Church alone (without necessity) yet to assist a Learned, judicious man, such as understand the body of Divinity (as to the great and necessary points) and are able to pray and discourse as well as many or most Ministers, and to exhort publickly in a case of need. He that would imitate the example of the Primitive Church (at least in the second Century) should Ordain such as these to be some of them Assistant Elders, and some of them Deacons in every Church (that hath such;) and let them not teach publickly, when a more learned, able Pastor is at hand to do it; but let them assist him in what they are fittest to perform; Yet let them not be Lay Elders: but authorized to all Pastoral administrations, and of one and the same office with the Pastor though dividing the exercise and execution according to their abilities and opportunities; and not coming in without Ordination nor yet taking up the Office only pro tempore. And thus every Parish where are able Godly men, may have a Presbyterie and President.¹

His contention was that it was the Churches in the market towns of England that most nearly duplicated those in the cities of the Roman Empire. For in them there were usually two or three or more chapels forming a large congregation with several curates. Where this condition did not exist, but where the ignorance, impiety, and smallness of the parishes was such that they were too few Christians capable of governing a Church, he suggested that several neighbour parishes join together and make one "particular church." The ministers should keep their previous stations but join to form a Presbytery for government.² In such presbyteries, the senior or most able pastor, or the one elected by the others is to be the chief, and is to be designated as the President. "A President of many Elders in one particular Church." wrote Baxter, is next to the

¹ Ibid., p. 315.

² Ibid., p. 334.

Episcopus Gregis, "the most ancient fixed Bishop."¹ These "Presidents or Eminent Bishops," he went on to say, "were not made then Episcopi Episcoporum, vel Pastores Pastorum, as having an office of Teaching and Governing the other Pastors, as Pastors have of teaching and Governing the flock."² They are only the first among equals, or the chief bishops of the parishes.³ In fact, they alone are to be called 'bishops,' the curates or other pastors being called 'presbyters.'⁴

The duties of the President of the Presbytery are to include the following: the receiving of the State benefice; the calling of presbyteries; choosing curates to serve with him; deciding the uses to which Church property is to be put; and the moderating of all meetings. The curates or presbyters are to be ruled by him in all circumstantialia, that is, time, place, particulars of order, dress and decency etc. Baxter believed that originally these parochial bishops⁵ had the final voice in the presbytery, particularly in the matter of ordination which

¹Ibid., p. 307. Cf., Episcopacy, Pt. I, 13-15 and Profession of Several, p. 89.

²Ibid., p. 310.

³Ibid., Pt. II, Preface, n.p. "We are for Bishops in every Church and for Order sake, we would have one to be the chief."

⁴To prevent confusion with modern Church government the reader must understand that in Baxter's terminology elders or presbyters were ordained clergy although less learned and qualified than fully trained ministers. They were ordained lay ministers serving under a parochial bishop.

⁵Wherever this term is used Baxter meant the chief minister among equals in a large parish which included several chapels and curates.

was within their authority.¹ However, in order to promote concord with other non-conformists he modified this preference by stipulating that the parochial bishop must have the consent of the president of the Association.²

It is also apparent from the above quotation, that Baxter planned to recruit laymen to assist in the government of the Church, by ordaining them and giving them posts as assistant presbyters or deacons. He felt that there were many able Christians who could give valuable assistance to the Church's work and government, but they were hardly to be trusted alone, for they could corrupt the doctrine and divide the Church. However he thought that

. . . under the inspection and direction of a more Learned judicious man, as his assistants, doing nothing against his mind, they might be very servicable to some Churches. And such a Bishop with such a Presbyterie and Deacons (neither lay, nor usually very Learned) were the ancient fixed Governours of the Churches, if I can understand antiquity.³

It was his opinion that only schoolmasters, physicians and other learned men should be made elders. Deacons are inferior to elders, but have more power about the word and sacraments than "meer-Ruling elders,"⁴

¹Episcopacy, Pt. I, p. 15. Cf., Flea for Peace, Preface, n.p.

²Disputations, p. 335 and Infra, pp. 125 f.

³Ibid., pp. 315 f. Cf., Directory, Pt. III, p. 128, Quest. 57 and History of Bishops, p. 5.

⁴Christian Concord, p. 7.

⁵Christian Concord, p. 7.

and merited ordination.¹ In his theory Baxter hoped that the diaconate should be a training place for the eldership. He described deacons as "Ministers to Christs Ministers," who are not essential to the "being" of a Church, but who are "integral" to its "well-being" where the size of the congregation warrants their existence.² In another reference, he spoke of their Scriptural duties as attending to the sacred tables and caring for the poor, and expressed his disapproval for the many alien duties they had been given in his day.³ Since Baxter referred to deacons so seldom in the books which we have consulted, we have to be satisfied with this picture. They are to be ordained, to be subordinate to ministers, and yet to be members of presbytery.

In Baxter's conception of Church government, the next body, above the local parish and presbytery, is "The Association of Parochial Bishops and Presbyters." All the ministers of all the "particular churches" in an area about as large as a county are to be gathered in this Association for several meetings each year. They are to elect one of their number to be president, and as long as he is considered to be eminently worthy by his fellow ministers he may hold this office for

¹Ibid., p. 8.

²Episcopacy, Pt. I, p. 34.

³Ibid., Pt. II, p. 12.

life.¹ Strictly speaking the purpose of the Association is only to promote consultation and concord between ministers.

"Synods themselves, "writes Baxter, "are not ordinarily necessary by Nature or Institution (Let him that affirmeth it, prove it). But that which is statedly necessary is The Concord of the Churches as the End, and a necessary correspondency of the Churches as the Means, and Synods when they may well be had, as a convenient sort of means."²

Because Baxter was so aware of how easily the Association could acquire and claim governing power, he added this further definition.

. . . Associate Pastors have not a proper Government of one another, neither by Presidents or Major votes, (though over the people they have,) but are all under the Government of God and the Magistrate only. And yet they may in acts of Consent about Communion or Non-communication with one another, prudentially agree, to take the Consent of the President, or of the Major vote of Pastors, or of both, where Peace, or Order, or Edification requireth it: except in cases of Necessity.³

Accordingly, any agreements arrived at in the Association or Synod are laws for the people by virtue of the governing authority vested in the pastors, but they are merely agreements as far as the pastors are concerned. The Association has no ruling authority over pastors, but by agreement it can accept, ordain, or reject any minister within its area. It can ask (but not compel) a minister whose status is in doubt, to appear before it for questioning and examination.⁴ It has no power of

¹Plea for Peace, p. 146.

²Directory, Pt. III, pp. 155 f, Quest. 107.

³Disputations, p. 305.

⁴Ibid., p. 293.

excommunication; the members can only agree to avoid an heretical minister and warn their congregations against him.¹ It can agree to make unanimous the disciplinary measures of a parish presbyter concerning a particular person, and it can advise individual pastors and congregations when advice is requested. A pastor has the authority to excommunicate his whole congregation if it is guilty of heresy or some such heinous crime, but it is presumed that the Association will advise and support him in such a decision. However, it must be remembered that the Association does not hold the power of the keys over any congregations and therefore it cannot enforce its judgement. In cases of difficulty, an independent judgement of the magistrate will be necessary and if this agrees with the Association's decision the magistrate may demand compliance under threat of punishment.

Association meetings are to be convened by the government through laws and mandates enforced by it.² The State's purpose in calling these meetings is to gain guidance for its own responsibilities in Church administration, to ensure civil peace and the Church's good. With the magistrate's permission the president may call meetings, but he is never to call them without this permission unless the magistrate has defaulted and the good of the Church requires it. Church members may call an Association meeting by petition to either the bishops or the magistrate. "The fixed Presidents of the Presbyters of many Churches associated" were considered by Baxter to be a third kind of ministry

¹Plea for Peace, p. 146.

²Directory, Pt. III, pp. 155 f, Quest. 107.

"which hath a greater resemblance to the ancient Episcopacy, than any of the rest: Yea indeed is the same that was exercised about the second or third Century after Christ."¹ These presidents have no pastoral authority over the Churches under them, nor do they have power over their brethren. Their duties include:² acting as secretary for the Association, deciding times and places of meeting, and acting as chairmen. The president and the Association is to have the power to ordain, with these stipulations:

Let the President never Ordain, except in case of necessity, but with the presence or consent of the Assembly of the Associated Pastors. And let the Pastors never Ordain any, except in cases of Necessity, but when the President is there present, nor without his Consent.³

What is, and what is not, a case of necessity is to be decided by the magistrate.⁴ Baxter was anxious to retain a certain precedence or superiority in the office of president, but without giving him a negative voice. To do that would have alienated some of the non-conformists because to them it smacked of prelacy. "Parochial Bishops" are not to ordain without the approval of the Association, and if possible the President is to be in attendance. Furthermore, Baxter was quite willing to designate the minister of a parish which included several chapels and curates as chairman of a Presbytery; and to call the president of an Association,

¹Disputations, p. 297.

²Ibid., pp. 301 ff.

³Ibid., p. 302.

⁴Ibid., p. 306.

a Bishop, if those names were more agreeable to others and would foster greater unity. One can see how clever and persistent Baxter was in his attempts to find a middle position which would be acceptable to all in the great controversy over Church government.

He now discussed the fourth kind of Bishop, which is the "general unfixed itinerant minister." This office is patterned on that of the Apostles in New Testament times, was instituted by Christ, and is essential to the "being" of a church.¹ It is described in the following terms:

"The principal use of a general Ministry, is for the converting of the unconverted world, and Baptizing them when converted, and Congregating their Converts into Church order, and settling them under a fixed Government. And the next use of them is, to have a Care, according to the extent of their capacity and opportunities, of the Churches which they have thus congregated and settled, and which are settled by other Ministers."²

Baxter admitted that the extent to which these bishops would share in the ruling part of the Apostolic office, and have authority over pastors is "a Case of too much difficulty for me to determine."³ He even thought it was debatable whether itinerant ministers and fixed pastors should have separate office, or is it, he asked, the same office with a different function? According to his idea of ordination, one would be inclined to think that he took the latter view.

¹Ibid., pp. 275-85.

²Ibid., p. 276 and p. 336. Advertisement, p. 9. Cf., Episcopacy, Pt. I, p. 11.

³Episcopacy, Pt. I, pp. 36 f.

These ministers are not to be continually on the move, but are entitled to make temporary stops wherever there is special need. Since Paul spent three years in Asia, Baxter pointed out, "their stay must be prudentially apportioned to their work and opportunities."¹ Following the example of the apostles they may travel in two's or three's and need not have any definite province in which to work. However, if it is more efficient they may agree to be separated and assigned to a particular province. In this case, their appointment and distribution over the nation can be determined in either of the following ways:²

1. A group of pastors may choose an itinerant minister to serve them.
2. The magistrate may appoint and determine the area in which such a minister is to work.
3. A minister may have a call to this particular way of serving the church, and with the magistrate's permission and the people's invitation may assume responsibility for some particular province.

Some of the fixed pastors share in the work of the itinerant ministers without abandoning their own flocks.³ What Baxter had in mind here is the pastor of extraordinary ability, whose talents would be in demand beyond the bounds of his own parish. He was thinking of the four itinerant lecturers who were appointed by the Association of ministers in his own county during the years immediately preceding the

¹Disputations, p. 284.

²Ibid., pp. 284-85.

³Ibid., pp. 286-96.

Restoration.¹ Of course, such men are not to neglect their own parish work, nor to exert a kind of lordship over their brother ministers.

These talented preachers could best serve the itinerant ministry:

1. By an invitation from an individual pastor for their help; 2. By the invitation of several neighbouring pastors or through the Association; 3. By the magistrate's appointment. In this latter case, the appointee may be made "The Visitor of the Churches and Country" in an area that corresponds to that included in an Association. These officers are directly responsible to the magistrate, and their duties will be considered below.²

There is no provision for any other governing body or official in Baxter's conception of Church organization. He conceded the possibility of diocesan, provincial or national synods,³ but their purpose and sole justification can only be the furtherance of Church union and concord.

"My own opinion I have often declared," he wrote, "1. That Jure Divino one Church hath no Governing Power over another. . . . 2. That these Churches should keep necessary correspondence for Love, Concord, and mutual helps, by Messengers and Synods of their Bishops or Pastors; but not as law-makers to their brethren."⁴

If such synods exist, their canons bind the clergy as by a contract

¹Ibid., pp. 292 f.

²Infra., pp. 145 f

³True Concord, p. 237.

⁴Plea for Peace, preface, n. p.

freely entered into, but when the clergy promulgate these canons to their people, they have the force of law. Baxter regretted that so many canons had been forced on the Church by past councils for he claimed they were acting beyond their authority, and had been the source of unending controversy. While admitting that many previous canons still applied, he pleaded for a return to the primitive simplicity of the early Church. This meant that the best synod will be the one which passes the fewest canons, and so phrases these laws that they cause little or no controversy.¹

In his description of the "Association of Parochial Bishops and Presbyters," Baxter was again trying to steer a middle course between the Separatists and the Presbyterians. He puts the dilemma this way.

"The contempt of Synods by the separatists, and the placing more power in Synods than ever God gave them by others, yea and the insisting on their circumstantial orders, making them like a Civil Senate or Court, have been the two extremes which have greatly injured and divided the Churches, throughout the world." ²

He was actually being faithful to the Church of England structure in which he saw representative bodies which were without governing power. However, some of his remarks³ would almost cause one to classify him with the Separatists in their contempt for synods. For example, he was quite convinced that the General Councils of the Roman Church were a

¹Directory, Pt. III, p. 107, Quest. 31.

²Ibid., Pt. III, pp. 155 f., Quest. 107.

³cf., Supra, p. 124 "Synods are not ordinarily necessary.....

Let him that affirmeth it, prove it."

"pernicious form of Headship to the Church."¹ They were neither truly representative of the world, nor had they any universal law-making authority. Christ alone is the sole law-giver and ruler of his Church, and he never gave any human creatures either singly or in assembly the ecclesiastical rule of a province, let alone the world. Inherent in this was Baxter's fear of the insidious growth of democracy and the danger of governing power being exercised by these synods. He writes,

"Councils or Synods and that stated as to time and place are very useful among good Pastors, for concord, Counsel and correspondence: but the major part are not the Governors of the minor, not of their absent brethren: nor are stated Synods absolutely necessary; nor convenient when, 1. they are degenerating into the Church Tyranny of a major Vote, 2. or are displeasing to Rulers and inconsistent with liberty or peace.

Turning to the existence of a National Church Baxter looked at the question from two points of view. On the one hand, he considered the term "National Church" to be a misnomer. To use the terms 'church' and 'nation' interchangeably was unwise, he said, because

"... it tendeth to confusion, misunderstanding, and to cherish errors and controversies in the Churches, when all names shall be made common and ambiguous, and holy things shall not be allowed any name proper to themselves, nor anything can be known by a bare name without a description. If the name of Christ himself should be used of every appointed King, it would seem not a little thus injurious to him."³

Baxter admitted that a magistrate may call assemblies of pastors to meet

¹Plea for Peace, pp. 138 f. Cf., Disputations, Advertisement p. 11 f.

²Ibid., p. 145. Cf., Profession of Several, p. 111. Cf., Difference Between, p. 50.

³Directory, Pt. III, p. 130, Quest. 57.

on a national level to advise him in his own responsibilities to the Church, or to promote concord, but to call this a National Church is but de nomine and not de re.¹ Furthermore, to those who claimed that if the nation professed Christianity, then the state was a Church and warranted a national ecclesiastical government, Baxter replied with some vehemence:

"But the necessity of any other Church, headed by your Ecclesiastical national Governour, personal or Collective, Monarchical, Aristocratical or Democratical, I utterly deny, and find not a word of proof which I think I have any need to furnish the reader with an answer to."²

Instead Baxter asserted the Congregational theory of the true church. He claimed that every particular Church with its bishop, or bishop and presbyters, is fully a part of the Universal Church of Jesus Christ and completely self-governing. A National Synod is not a Church in itself; is it only representative of the pastors of the particular Churches, and has no governing authority. He also used another argument: if a body is denominated by its governing part, then there can be no such thing as a National Church, for the king is not the constitutive head of the Church. "A civil Head can make but a civil society."³ The Church, he claimed, is to be governed directly by Christ in all matters intrinsic to the pastoral office, and by the king (who is

¹ Ibid., Pt. III, p. 129, Quest. 57.

² Ibid., Pt. III, p. 131 f., Quest. 57.

³ Ibid., Pt. III, p. 131, Quest. 57.

Christ's adjutant) in all extrinsic matters. The term "National Church" is a misnomer, but he would consent to its use if people were made to realize that there could be no such thing as a "National Church headed by one constitutive, pastoral Head."¹

He continued in this same context,

"In these three senses I confess a National Church. 1. As all the Christians in a Nation are under one Civil Church Governour; 2. As they are Consociated for Concord or meet in Synods or hold correspondencies. 3. As they are all a part of the universal Church cohabiting in one Nation. But all these are equivocal uses of the word Church; the denomination being taken in the first from an Accident; In the second the name of a Policy being given to a Community agreeing for Concord; In the third the name of the whole is given to a small integral part."²

This brings us to the other point of view from which Baxter considered the idea of the National Church, namely the unity which particular Churches enjoy under one civil governor. It was probably his most mature opinion on the subject for it was stated in a short book published in 1691, but there is no fundamental change in his convictions of twenty years earlier. The following quotations are taken from that booklet which was entitled Of National Churches.

"A National Church and a Christian Kingdom constituted by a Christian Sovereign Magistrate, and of Christian subjects worshipping God (ordinarily) in true Particular Pastoral Churches, is the same thing."³

¹Parish Congregations, p. 27.

²Directory, Pt. III, p. 131, Quest. 57.

³Richard Baxter, Of National Churches; Their Description, Institution, Use, Preservation, Danger, Maladies and Cures, (London, Thomas Parkhurst, 1691) p. 1. (Hereinafter referred to as National Churches.)

"The present Orthodox Protestant Nonconformists, are as truly Members of the Church of England, justly so called, as any Diocesans or Conformists in the Land, and if they be not better confuted than hitherto they have been, they may truly be said to be the soundest, most judicious, and most conscionable, and the most peaceable Members of this Church. And to deny such Nonconformists to be true and honourable parts of the Church of England, is but such an effect of Ignorant Arrogance and Slanders as is the shame of the Speaker, and implieth some dishonourable definition of the said Church."¹

"National Church Concord and Strength may be kept up by a Supreme Christian Prince or State with a Concordant Ministry, whether among themselves United as the Scots in General Assemblies, or as in England by Archbishops, Bishops, and Conventions, obeying the laws of Christ, and the just laws of the King and State that are made for determining needful Circumstances; supposing such Bishops qualified and chosen justly, and usurping none of the Sword-bearers power."²

In the book Baxter supported his claims in a more formal way. He now saw a National Church as part of Christ's original design. In embryo Israel was such a church. On the basis of Matthew ii:2 and xxvii:11, he said that Christ offered "to be King over them (the Jews) as a holy national Kingdom-Church"³ When the Jews rejected him, Jesus bid the disciples preach the gospel to the nations, and make them the kingdoms of the Lord. This task was accomplished when Constantine established Christianity as the imperial religion. After the Church had reached this stage of maturity, Baxter said, "Christ actually set up National Kingdom Churches and ruled by Constantine and successive

¹ Ibid., p. 29.

² Ibid., p. 49.

³ Ibid., p. 7.

Christian Princes."¹ Beyond the National Church, Baxter was convinced that Christ had not commissioned any "Human Universal Church Sovereignty."²

Here then we have the National Church from the point of view of the Crown. Christ had ordained that kings and kingdoms be Christian, and has given his kingly servants absolute civil power over the Churches in their territories. And although the ultimate unity of the Churches is in Christ, their immediate unity is in the Crown. The king is the Forma informans, specifica et unifica at once of both Church and state. Hence the justification for the term "National Church."

(b) The State's Share in Church Government. We shall now consider the areas in which the magistrate's duties affect the life of the Church, and in particular the relationship between civil officers and Church officers at the various levels of Church government.

Baxter defined the aim of the Christian's magistrate as follows:

"To promote the common good of the people, and their salvation, and the pleasing and glory of God, by preserving and promoting Piety, Love, Justice, and Peace, even mens obedience to all the Laws of God, in Nature and Scripture."³

He is expected to advance the well-being of Christ's Church in every particular, to maintain order and keep out sin. Especially must he promote the preaching of the gospel, and the due punishment of those who break God's laws. No one ecclesiastical party should have his favour, lest he

¹Ibid., p. 8.

²Ibid., p. 48.

³True Concord, p. 257.

unknowingly advance ambitious men and threaten unity, or lest he be led to persecute others without just cause. As head of the State he has authority to declare which days should be observed as occasions of national thanksgiving or fasting or special holy-days. In short, "Church government belongs to the king and the magistrate who are the 'Keepers of the Churches peace'."¹

The important question of how the sword is to be used for Christ and his Church was described first negatively,² and then positively. Since "God hath made mens free consent the Condition of their Salvation," said Baxter "and the Profession of a free consent to be the Condition of Church Communion,"³ then it follows that a pastor cannot admit any to membership without evidence of this free consent. This, in turn, prevents the magistrate from using his coercive power in such a manner that it will interfere with this condition of salvation. The magistrate cannot make men believers, nor require them by statute to become Church members. Nor can he force those who want to leave the Church to stay within it. The magistrate is not to punish a person for being an excommunicate from the Church, because excommunication is in itself a "dreadful punishment."⁴ Of course, if the offence is a civil crime as well as a breach of Church discipline, then he may be obliged to add

¹Plea for Peace, p. 147.

²Episcopacy, Part II, p. 192.

³Ibid., Pt. I, pp. 145 f.

⁴True Concord, p. 257.

his own penalty. The magistrate is not to force repentance on anyone, but if the excommunication was imposed for not repenting in the first place, then he may impose an additional penalty with the following provisos: "1. He must first be sure that it was a crime: 2. And that God hath appointed this way to force men to repentance: 3. And that such forced repentance must go for true."¹ In paradoxical fashion, Baxter insisted that citizens must not be forced to do anything against their conscience, but if they have made a false judgement and are acting in error they must be restrained even if it is against their conscience.² However, the fact remains that in a theocracy as many men as possible must be brought into full Church communion.

"I acknowledge," said Baxter, speaking more positively, "that Magistrates and Parents and Masters may force their Subjects to use those means which tend to make them Christian, as to hear Preaching, Conference or disputations, or to read convincing books,"³ or as in another reference,

"... they (magistrates) must force them to submit to holy Doctrine, and learn the word of God, and to walk orderly and quietly in that condition, till they are brought to a voluntary personal profession of Christianity, and subjection to Christ, and his holy Ordinance; and so being voluntarily Baptized. . . or Confirmed (if they were Baptized before) they may live in holy Communion with the Church."⁴

¹Loc. cit.

²Ibid., p. 271.

³Episcopacy, Pt. II, p. 192 f.

⁴Holy Commonwealth, p. 274. Cf., Difference Between, p. 42.

In a sermon preached before Cromwell, Baxter gave another idea of just what he had in mind by the term "force." Powicke reports him as declaring that it was the duty of the government "to see that Catechists were appointed in every church; that they were properly paid; and that no persons of any age or rank should be excused from them--save for certain good reasons."¹ Baxter suggested that the magistrate should observe two precautions in the application of this authority: first, he must be reasonably sure that it will do more good than harm; secondly, the force used must be "wise and moderate." To achieve this, he believed that the magistrate would find it useful to distinguish between obedient Christians, excommunicates, and apostates, by "denying honours and preferments and rewards to the worse, which he giveth to the better sort of men."² Save for these scattered suggestions Baxter left the method of enforcement and the determination of penalties in the hands of the magistrate.

He proceeded to elaborate on his suggestion that the magistrate "deal differently with his subjects as they differ" in response to the faith.³ He listed three groups of opponents to the faith, and fifteen varieties of Christians, distinguished by the quality of their discipleship, each of which should have a different kind of treatment and discipline from the magistrate.⁴ The treatment he recommended is briefly

¹F. J. Powicke, A Life of the Reverend Richard Baxter 1615-1691, (Cape, London, 1927) p. 128. (Hereinafter referred to as Powicke I.)

²Episcopacy, Pt. II, p. 193.

³True Concord, pp. 257-62.

⁴Infra., Appendix D.

summarized forthwith. "Enemies" of Christianity are to be restrained with penalties according to the seriousness of their opposition, but always with love, in the hope that they will eventually repent and thus "escape the snare of Satan." "Neglectors" are to be "excited" by persuasion and moderate penalties. "Seekers" are to be skilfully taught and encouraged. "Eminent Christians" are to be made teachers and rulers of the rest. The "Middle sort of Christian" will compose most of the body of the Christian Commonwealth, and they are to be "governed and instructed with encouragement to grow." "Faulty Christians" are to be gently used with more teaching, rebuke, and restraint than the former. Those who are members of the Universal Church, but not associated with any particular Church, are "to be pityed and suffered, if we cannot help them to better." The baptized who have had no instruction in the faith because of their travels are to become a second sort of catechumens. Some may have to be tolerated indefinitely as unattached Christians. "Excommunicates" must be treated by all as Church discipline requires, but if the person concerned has only left through some tolerable weakness, then other Churches must take him in. Those cast out unjustly must be pitied and allowed entrance into another Church. "Papists" are to be treated the same way as the weaker sort of Christians, unless they are treasonable, or actively spreading heresy, then heavier penalties must be imposed. Those "Diocesans" who do no harm to parish Churches, the true episcopacy and discipline, are to be considered

members of either the Tolerated or Approved Church.¹ Those who would restore prelacy and persecute faithful ministers are to be forcibly restrained by the magistrate. Similar consideration is to be given to all "presbyters" in whatsoever synod they may be gathered. "Independents" are not to be discountenanced because they did not seem to have an adequate organization, but are to be given full rights as long as they cooperate with the magistrate and abide within the laws for Tolerated Churches. "Contentious Churches" are to be restrained from abusing and warring against each other. Churches that are "sound in faith, charitable, peacable, and of good conversation" are to be encouraged with special favour. Those whose doctrine and practice is "meerly Tolerable" are to be defended and kept in peace, and the intolerable are to be restrained according to their offence.

The administrative machinery to carry out this surveillance of the whole population was only briefly outlined by Baxter, and at times there are great gaps where the reader longs for more details. However, in what follows (gleaned as it is from several of his books) a general picture can be given of the role of the civil authority in the Baxterian theocracy. Our treatment will begin with the king and national policy, and end at the parish level.

There is no national head of the Church comparable to the king's place in the commonwealth. The king is the national head of both Church and State, and as such is responsible under God for the welfare of both.

¹ Infra., pp. 141 f.

Next to the throne is the king's Standing Council,¹ and subsidiary to this for administrative purposes, there are three other councils: one for Learning and Religion, one for War, and one for Civil Affairs.² These councils are only mentioned once, and there is no information about the manner in which they are to carry out their duties. It is assumed that Baxter expected the Council for Learning and Religion to initiate national policy in these matters and delegate authority to carry it out.

Part of that policy was to find expression in legislation which would establish the Approved Church and permit the existence of Tolerated Churches.³ This legislation will define and determine what shall be an Approved, a Tolerated, and intolerable Churches and pastors.⁴ The Approved Church is to be in a position of privilege in the State. It is to have the "temples of the land," is to receive "publick countenance" in every way including financial assistance. (All persons living within the parish are required to contribute in proportion to their income to some Church, either Approved or Tolerated.) The Approved Church will be the preferred form of Christian faith and practice, and the judgements of civil authorities at all levels of administration are to reflect this preference. Nevertheless, Churches which

¹Holy Commonwealth, p. 258.

²True Concord, p. 262.

³Ibid., pp. 263 f., Pt. III, pp. 140-44. Cf., Holy Commonwealth, pp. 251 f., 267 f.

⁴Ibid., Pt. III, p. 141.

have been licensed as Tolerated are to have their rights and privileges guaranteed by the law. Baxter indicated the attitude that the various magistrates are to take toward the Tolerated Churches, and delineated the degree of religious liberty these are to enjoy:

"It is supposed that the Magistrate judgeth the Tolerated Churches to be erroneous, though he judge them tolerable; and therefore it is not fit that he give them leave to draw people to their way by busie publick importunity, which may both corrupt and disquiet the Churches, nor to pour out contempt and scorn upon the Approved Ministers or Churches. But 1. They may have leave in their own Assemblies soberly and modestly to plead their own cause. 2. And also to defend it modestly in print, if it be assaulted. 3. And also to give to the Magistrate or others an account of their faith and worship when they are justly called to it. 4. And also to manage publick Disputes when the Magistrate shall License them."¹

Under the Council for Learning and Religion a "Court of Commissioners"² would grant licenses to ministers of either an Approved or Tolerated Church. These licenses are called respectively, "Instruments of Approbation" and "Instruments of Toleration." To those who pass the magistrate's requirements this "Instrument" grants them the privilege of exercising their ministry in a particular province or county (Baxter does not say which). The Court of Commissioners is the sole judge of whom will be Approved, Tolerated or prohibited, and it can withdraw an Instrument if it sees fit.

¹Holy Commonwealth, p. 280.

²Ibid., pp. 267 f., 251 f.

Presumably, the Council of Religion makes the following requirements of all ministers.¹ In the first place, all ministers must subscribe to the Baptismal Covenant, the Creed, the Lord's Prayer, and the essentials of ministry and communion. Secondly, all Approved ministers are to subscribe to a Catalogue of Doctrines. These are to be stated briefly and mainly in Scriptural terms so that there will be no reason for dissent. Baxter wrote a suggested Catalogue for the guidance of the magistrate.² Thirdly, there is to be a Catalogue of Errors. This will be an inexhaustive list of dangerous and heretical doctrines which cannot be tolerated in a Christian Commonwealth. Here, also, with his usual thoroughness, Baxter included a Catalogue to assist the magistrates.³ The list of errors for Approved ministers is longer than that for Tolerated, but neither are required to renounce these Errors; the Catalogue exists solely for the guidance of the magistrate. The Court is to apply this Catalogue moderately and wisely, for "as the Approved are not ejected for every fault, so the Tolerated are not to be silenced for every fault."⁴ Of course, if impenitence and incorrigibility are added to the offence then that particular minister will lose his license. Fourthly, the Approved ministers are required to accept

¹True Concord, pp. 263-65.

²Ibid., pp. 279-90.

³Ibid., pp. 290-327. Cf., Infra., Appendix E, which contains an extract from this Catalogue on the doctrine concerning 'Rule and Subjection.'

⁴Ibid., p. 265.

the magistrate's regulations concerning things undetermined in Scripture but Tolerated ministers are not.¹

All ministers who do not obtain an Instrument from the Court of Commissioners are to be considered intolerable, and have no rights as clergymen within that jurisdiction. Those who are incapable of the office of the sacred ministry include:² those who are ignorant or disabled; those who are heretics in any one article of faith necessary for salvation; those who oppose or corrupt any necessary part of Church order or the worship of God; those who will not profess the essentials of "Christianity, Ministry and Church Communion;" those who live scandalous lives and thus disgrace the ministry; those who will not promise or give subjection to their civil rulers; those who malign and reproach the godly in their preaching; those who persistently attack "tolerable dissenters" calling them heretics; those who are working for the Pope by absolving subjects and clergy of obedience to their king.

Baxter does not say (but we can assume), that if there are provincial and national synods of the Churches then the Council for Religion will have representatives of the State in attendance. Their duties will be to maintain order and to keep the magistrate well informed of the Church's internal affairs. The next level of government (in descending order) is the county, or what corresponds to the area included in an Association of Presbyters.

¹Ibid., Pt. III, p. 142.

²Ibid., pp. 265 f.

On behalf of the magistrate and for a particular county a "Court of Commissioners" is to superintend the issuing and cancellation of "Instruments" for all clergymen. The court is to be divided: one part grants "Instruments of Approbation or Toleration" after due examination of the applicants, and the other withdraws these "Instruments" and ejects ministers whose life and doctrine have become intolerable.¹ For the county and the Association there is also to be a "Visitor of the Churches and Country" appointed by some higher magistrate.² His duty is to superintend the Churches in that area. He is to take note of conditions in each church: to see if they are duly constituted and governed; to admonish negligent pastors; to encourage weak congregations to reform; to give notice to neighboring pastors of any clergy whom he finds unfit for the ministry; and if the person filling the office of Visitor is himself a pastor he may exercise his ministerial office wherever he sees fit as long as the people consent. All information is to be reported to the senior magistrate. In one reference³ Baxter was of the opinion that the theocracy will be best served if this official is the President of the Association. In this way the Church's choice and the magistrate's appointment will concur. However, in another⁴ reference, he wrote, "I think it not a thing unlawful in itself for a

¹Holy Commonwealth, p. 255.

²Disputations, p. 293 and pp. 335 f. Cf., Plea for Peace, Preface, n.p.

³Disputations, p. 336.

⁴Ibid., pp. 293 f Cf., Difference Between, p. 45.

Minister to be a Magistrate also, yet I think that nothing but necessity can warrant it." To avoid this mixing of civil and religious office, he suggested that there be three capable pastors appointed to be Visitors, and that a Justice or Commissioner be appointed to accompany each on their tours of inspection.¹ In this way each could exercise the functions of his own office, advance the good of both Church and State, and escape a mutual trespassing. If there was only one "Visitor" and he a layman, Baxter called him the "Secular Bishop."²

Anticipating criticism, Baxter pointed out that these "Visitors," or any officers which the magistrate appoints, are not necessary to the being of the Church and can be omitted. However, the fact that there is no Scriptural authority for their existence does not mean that such officers are unlawful in God's sight.³ He urged all pastors and people to cooperate with these officials through whom the magistrate was obviously promoting the welfare of the Church.

If a Visitor finds a congregation guilty of error, he may admonish it, threaten penalties, and report it to the Association of Presbyters or Bishops.⁴ Before the Association the particular Church must answer the accusations satisfactorily. If it is guilty of

¹Ibid., p. 294.

²Ibid., p. 324.

³Ibid., p. 294. Cf., Plea for Peace, pp. 91 f., pp. 186 f. and Directory, Pt. III, pp. 54, 128.

⁴True Concord, pp. 244-246.

general unsoundness in doctrine, it can sign a profession of faith, and this ought to reinstate it in the eyes of the Association. For this very purpose a short profession of faith (just one paragraph in length) was included by Baxter for the use of the magistrate.¹ If the accusation is heresy, the guilty Church must confess its mistake, request the prayers of the Association for its reformation, and furnish proof of its change of heart by renewing the profession of faith.

Descending now to the parish level of administration, we find that the key official is called a "Censor."² There is at least one, and there may be two or three in each parish. On behalf of the State this representative oversees all the ministers and congregations, both Approved and Tolerated, in that particular parish. In most cases, he will be the local Justice of the Peace, the mayor or the bailiff. He is entitled to attend all meetings of the Church to keep the peace, see that Church order and discipline are properly carried out, and with the assistance of the pastor to compile the local election register. The "Censor" and the pastor have no authority over each other's particular office, but are expected to work together in the best interests of Church and Commonwealth. The Censor's duties are discussed in more detail in the next chapter, but it is already obvious that upon this official rests the success or failure of the theocracy.

¹ Ibid., p. 245.

² Holy Commonwealth, pp. 251-56, 272 f.

Chapter v

THEOCRACY

(a) "Of the best form of Government, and happyest Commonwealth".¹ In the primitive state of mankind before the Fall there was no political problem because there was no sin. It was Baxter's conviction that in those blessed days God ruled immediately, and men obeyed him directly, and all was well. Since the Fall, however, man has been in a state of rebellion against God, his passions rebel against his reason, and so, in that one act, "the seeds of all the Confusions that have followed in the world, were sown within us."²

"The cure of this mischief," reflected Baxter, "hath long busied the people and Politicians of the world: and yet it is uncured. Princes that have strength, do make some shift with much ado, by severity to restrain the Subject from Rebellion. But how to restrain the Prince from Tyrannie without disabling him from necessary government, is much yet undiscovered, or the discoveries unpracticed."³

This is the problem that Adam bequeathed to us, said Baxter, and all those who look for a solution in the nature or "frame" of the constitution and do nothing about man's sin, are doomed to failure. Self-government or democracy he considered to be the worst type for there is

¹Holy Commonwealth, pp. 200 - 240.

²Ibid., p. 201.

³Ibid., p. 202.

no "Tyrant so cruel as the many-headed Tyrant."¹ Unrestricted monarchy was equally suspect, and he gave us ten reasons for thinking so.² The solution proposed in elected governments was attractive, but he thought there were far too few wise and good people in the nation for that. To him the best solution lay in "Holy Theocratical Government"³ as it was clearly outlined in Scripture. One of the greatest advantages of this form was the assurance that it would unite more people than any other, simply because it was Scriptural. Baxter felt sure that even those schismatics who were calling for the "Raign of Christ and the Saints" and the reformation of the Church would join forces with those who sought to promote theocratical government.

Divine government is characterized by that form of constitution which will best achieve the heavenly ends of government. Constitutionally then,⁴ only a king who believes in God and accepts his power from him can be the ruler. It will follow that all citizens should be subjects of God by consent, that is, be Church members or catechumens. In a theocracy God and the Cives are to be in covenant with one another. "God's promise or Covenant as on his part is the Fundamentum and the Cause," wrote Baxter, "and their Consent or Covenant on their part is

¹Ibid., p. 203.

²Ibid., p. 204 f.

³Ibid., p. 223.

⁴Ibid., pp. 210-13. Cf., Plea for Peace, p. 15.

the sine qua non or Condition."¹ God chooses his officers in a different way now than he did in Moses' day, but still they are to be obeyed and respected as his representatives. In a divine commonwealth the gospel is published adequately, Christ is acknowledged by prince and people, and the chief purpose of all administration is the pleasing of God and the salvation of all.

To carry out these administrative responsibilities² all civil servants are to be men whom God would approve. God must be given a part in the choice of these individuals and this is to be done by fulfilling the qualifications God has laid down, be electing those obviously chosen by Providence, and by allowing God to choose through the casting of lots in cases where a human decision is difficult. In a theocracy the principal laws are those of God in nature and Scripture, and the particular laws are as by-laws unto them. In such a State any disloyalty to God is high treason. Hence, "The denying or blaspheming God, or his Essential Attributes or Sovereignty, is to be judged the highest Treason; and the drawing men to other Gods, and seeking the ruine of the commonwealth in spirituals, is to be accounted the chiefest enmity to it".³ A sharp distinction must be made between good and evil, and holiness must have the "principal honour and encouragement".⁴ The

¹Ibid., p. 211.

²Ibid., pp. 213-16.

³Ibid., p. 214.

⁴Ibid., p. 215.

criteria for punishment¹ in a theocracy are based on the assumption that the chief chastisement for disobedience to God will take place in the life to come. However, in the interests of salvation for the greatest number, God's officers must punish now what God will punish eventually. The wickedness of individual men is not to be allowed to destroy the souls of others. Baxter claimed that a true theocracy was one in which the Church and Commonwealth were almost identical, differing only in form and administration.

He compared the differences under the following heads:² 1. "From the difference of Governours". Magistrates rule the Commonwealth and the Church, "but not the Church with that peculiar government proper to it as a Church". Pastors may have State duties but govern only in the Church. 2. "From the manner of Government." "The Magistrate Ruleth imperiously, and by force having power upon mens estates and persons: But the Pastours have none such, but govern only by the Word of God explained and applyed to the Conscience." 3. "From the nearest Foundation". The State is constituted by a contract between the sovereign and the people; whereas the particular Church is constituted by a consent between the pastor and his congregation. 4. "From the extent". A commonwealth contains all the people in a given geographical area under one sovereign; whereas particular churches have no national officers in which the whole nation is united, but are

¹Ibid., p. 215.

²Ibid., pp. 220 f.

rather like several independent colleges in one university. 5. "From the accidental incapacities of men to be members of each". The same qualification will entitle a man to be a member of the Church as well as a citizen of the State,¹ and the vast majority of subjects will belong to both. However, while there are no distinctions between Church members, there are many between citizens of the State. Accordingly, catechumens and the excommunicated are not Church members but they are still citizens in the state—the first with more privileges than the latter. A servant or a beggar may be a full member of the Church, but have only limited freedom and privilege in the State. On the other hand, Baxter cited the case of a travelling salesman who may not be able to be a member in good standing of any Church but because he belongs to the Universal Church he may qualify as a non-voting citizen. Burgesses are Church members and are able to both vote and run for civil office. 6. "From the Nearest end." The nearest end of government is civil order; that of Church government, the proper conduct of Holy Communion and God's worship. "So that formally they are divers," concluded Baxter, "though materially if Princes and Pastours would do their duties, in reformation and righteous Government, they would be if not altogether, yet for the most part the same, as consisting of the same persons."²

¹Ibid., pp. 218 f.

²Ibid., p. 221.

(b) "How a Commonwealth may be reduced to this Theocratical Temper, if it have advantages, and the Rulers and People are willing."¹ Baxter listed eight rules by which this could be achieved and dealt with each one in turn.

The first essential to attain this end is to have "able, judicious, godly, faithful, diligent men"² in the ministry. Baxter was not demanding that they have greatness or riches, nor power in State affairs, nor any coercive power in matters of Church discipline, but simply that they be worthy of their high calling. Candidates are to be carefully screened by both church and state. For example, in ordination it is the magistrate's task to ensure that the candidate is qualified, to see that the ordainers fulfill their duties correctly, and to make certain that the congregation gives its consent. Thus a triple guard is established to protect the Church and nation from unworthy men.³

The second step is to make a permanent law to determine the franchise and regulate electoral procedure. The moral qualification was primary and excluded all citizens but those,

"... that have publickely owned the Baptismal Covenant, personally, deliberately and seriously, taking the Lord for their only God, even the Father, Son and Holy Ghost, the Creator, Redeemer and Sanctifier; and that lyeth not under the

¹Ibid., pp. 241-84.

²Ibid., p. 241.

³Disputations, pp. 254 f.

guilt of any of those sins for which God would have men put to death, or cut off from his people."¹

Baxter did not include the death penalty, but he was convinced that sins which were worthy of death in ancient Israel would certainly deny a person the franchise in a theocracy.² Those citizens who had been baptized in infancy, but were not confirmed in the faith would also be without a vote. He added to this Scriptural list all those qualifications which were enumerated in the Humble Petition and Advice. These included the following:

"That those who have advised, assisted or abetted the rebellion of Ireland, and those who do or shall profess the Popish religion, be disabled and made incapable forever to be elected, or to give any vote in the election of any member to sit or serve in Parliament; and that all and every person and persons who have aided, abetted, advised or assisted in any war against the Parliament, since the 1st day of January 1641 . . . and all such as have actually engaged in any plot, conspiracy or design against the person of your Highness, or in any insurrection or rebellion in England or Wales since the 16th day of December, 1653, shall be forever disabled and made incapable to be elected, or give any vote in the election of any member to sit or serve in Parliament.

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And that the persons who shall be elected to serve in Parliament be such, and no other than such as are persons of known integrity, fearing God, and of good conversation, and being of the age of twenty-one years, and not such as are disabled by the Act of the seventeenth year of the late King, entitled, 'An Act for disenabling all persons in Holy Orders to exercise any temporal jurisdiction or authority, nor such as are public ministers or public preachers of the Gospel.' Nor such as are guilty of any of the offences mentioned in an Act of Parliament bearing date the 9th of August, 1650, entitled, 'An Act against several atheistical, blasphemous, and execrable opinions derogatory to the honour of God, and destructive to human society';

¹Holy Commonwealth, p. 247. Cf., II Chronicles xv:11-13.

²Holy Commonwealth, p. 249.

no common scoffer or reviler of religion, or of any person or person professing thereof; no person that hath married or shall marry a wife of the Popish religion, or hath trained or shall train up his child or children, nor any other child or children under his tuition or government, in the Popish religion, or that shall permit or suffer such child or children to be trained up in the said religion or that hath given or shall give his consent that his son or daughter shall marry any of that religion; no person that shall deny the Scriptures to be the Word of God, or the sacraments, prayer, magistracy, and ministry to be the Ordinances of God; no common profaner of the Lord's Day, no profane swearer or curser, no drunkard or common haunter of taverns or alehouses."¹

All these restrictions were quite justifiable in Baxter's estimation but he was not content to leave the application of these new restrictions to the discretion of the magistrate, or to the forty-one Commissioners provided for in the Humble Petition. In their stead, he proposed new officers of the State who would cooperate with each pastor for this purpose. This new officer is called the "Censor", and with the pastor compiles the election register for each parish. They were to work together in the following manner:

"... let no man be a chooser or a Ruler that holdeth not communion with an Approved or Tolerated Church, and is not signified under the Pastors hand to be a member thereof or that shall be a cast out of the Church for any of those crimes that the Parliament shall enumerate: And that there may be no jealousy of Ministers usurpations or abuses herein, let every Parish have one or two of the wisest men by the superiour Rulers made Church-Justices, or censors to meet with the Church-Officers, and to take cognizance of the cause; And let all that the Pastors and Church take in or cast out according to Gods word, be used by them as members or no members of the Church; But let no man be disfranchised in the Common-wealth, or lose his Vote in Elections, unless the Censor or Church-Justice Ruled by the Parliaments Laws, consent to the censure. And let

¹S. R. Gardiner, Constitutional Documents of the Puritan Revolution, (Clarendon Press, Oxford 1947), pp. 449-51. Cf., Holy Commonwealth, pp. 257 f.

all that are cast out by his consent and the Churches both, be registred and disabled to Vote, unless by the consent of both upon Repentance they be restored."¹

Baxter was of the firm conviction that if the pastor and the Censor must concur before a name is removed from the electoral roll, or restored to it, there would be little danger of injustice. Furthermore, this double-checking, would ensure a maximum of co-operation between the Church and the State, and yet their separation would be preserved.

The third part of the electoral law which Baxter wanted to introduce consisted of two suggestions to improve the prevailing method of conducting elections. One suggestion is that "The Cives that are in the Censors Register may meet in every Parish Church, and before the Censors, Ministers, Constables, Church-Wardens, and Overseers of the poor (sworn all to fidelity) may give their Votes for Parliament-men, which these Officers may carry in at a General meeting to the High Sheriffe."² The alternative method would be for the Cives assembled in the parish Church to elect a number of deputies corresponding to the size of the parish, and send them to the High Sherriff's meeting of all county deputies where the vote could be taken. Baxter believed that the latter method was preferable for it would prevent the unqualified rabble getting in at a parish gathering and carrying the meeting. He also preferred the ballot because it ensured freedom of choice. To maintain

¹Ibid., p. 252.

²Ibid., p. 255.

free elections, and prevent bribery, all voters who pledge their votes before an election takes place are to be deprived of their franchise for that particular occasion.

Now we come to Rule Three. Theocratic parliaments are to adhere to the description of the eligible voter and the political candidate, as well as the oath required of all Magistrates and Members of Parliament, as they were given in The Humble Petition and Advice. (Part of the description has been quoted above.) The oath involved a solemn declaration and promise to "uphold and maintain the true Reformed Protestant Christian Religion, in the purity thereof, as it is contained in the Holy Scriptures of the Old and New Testament;" to be faithful to the Lord Protector, and to defend the "rights and liberties of the people."¹ "A more excellent Act", wrote Baxter, in whole-hearted approval, "hath not been made for the Happiness of England, concerning Parliaments, at least since the Reformation. O that it may be but effectually put into execution."²

Rule Four. "The Prudence, Piety, and fidelity of the Princes standing Council conduceth much to the felicity of the Commonwealth."³ Baxter claimed that this can be achieved by a law which defines the qualifications of the members of the Privy Council in detail, and their

¹Gardiner, op. cit., pp. 462 f.

²Holy Commonwealth, p. 258.

³Loc. cit.

electors in the parliament must swear to elect those men who fulfill them. This law is to be patterned on the requirements of The Humble Petition and Advice, and the Addition to it.

Rule Five. Baxter suggested ways by which a king worthy of a theocracy could be selected. If the king is elective, the Privy Council is to select four of their best qualified members, and the prince is to be selected from these by lot. While the lot is being taken, the people in the capital city and surrounding areas are to appeal to God "by solemn fasting and prayer for merciful determination of the Lot."¹ If the monarchy is hereditary, a godly heir is to be found in three ways: 1. "The education of his children should be secured by a standing Rule, strictly describing the Tutors, both Divines and Politicians, and carefully securing the execution." 2. At his coronation the parliament is to make sound fundamental contracts with its sovereign, limiting his power, and accepting his pledge that he will rule only by laws which it proposes, or consents to. 3. The oath of office which the prince takes on this occasion must contain the substance of his covenant with God and with the people.

Rule Six. After living through a period of civil war and army rules, Baxter realized how much the safety, piety and peace of the nation depended on the army, and so makes the following observations and recommendations.² He warned the prince and parliament that the

¹Ibid., p. 259

²Ibidl, pp. 264-66.

honesty, obedience and valour of the troops will vary directly with the quality of their own leadership. He recommended that: 1. All soldiers are to take an oath of loyalty to the sovereign and the constitution; 2. Only the faithful freemen or Cives are to be accepted as recruits; 3. The army is to be totally dependent on the sovereign power for all pay and allowances; 4. All higher officers are to be appointed by the sovereign power, and only "old tryed faithful souldiers" are to be appointed to senior posts. Other regulations included: Prompt pay, (which was quite unusual in Baxter's day); strict discipline to maintain piety and orthodoxy; a periodic expulsion of all papists and other seditious persons; and lastly, every regiment is to have at least one chaplain serving it. We note two things about these recommendations: first, the stress he put upon military subservience to civil power, and secondly, the restriction of the militia to freemen and the exclusion of all malcontents. In this latter way, he felt that the army would become a stabilizing influence in the nation, for it was evident that men of social worth and property would have more to lose by the ruin of the commonwealth than ne'er-do-wells.

Rule Seven.¹ All subordinate magistrates, justices, judges, bailiffs, etcetera, are to be men of good character. This is to be achieved by having trustworthy officers in charge of appointments, and by strict laws binding all to their duties.

¹Ibid., p. 266.

Rule Eight. The well being of the Commonwealth depends "exceeding much" upon the purity and unity of the Churches within it. To this end rulers are to maintain the Scripture doctrine, worship, order and discipline, and the Churches are to be brought to as much union and concord as possible. A highly qualified ministry will be achieved by following these rules:

1. There must be Laws describing, such as shall be publickly Approved and encouraged, and such as shall only be Tolerated.
2. The People and Patrons, the Ordainers and Approvers, must each have their due Interest preserved and allowed them.
3. No man must publicly Teach, nor hold private Assemblies, beside such as stand in due subordination to the Churches, but such as have from the Approvers an Instrument of Approbation or of Toleration.
4. Blasphemy and subverting the Essentials of Christianity, or of Christian communion and worship are to be severely restrained, not Tolerated in any way of Teaching or propagation whatsoever."¹

To enact these rules the Council of Commissioners has authority to grant an Instrument of Toleration or Approbation to every minister, and the Commissioners of Ejection have the power to dismiss ministers who do not abide within the terms of the Instrument granted them.

The order and discipline of the Church is to be gained by magistrates insisting by law that pastors restrain the unclean, unconfirmed and uncatechized from the sacrament.² The "Censor" who represents the magistrate on the parish level of administration is to attend all "assemblies for worship and discipline", so that "magistracy" and

¹Ibid., pp. 267 f.

²Ibid., p. 274.

"ministry" would be so "twisted together" that they may concur and co-operate within their separate spheres for the good of all.¹ His duties, (in addition to enforcing the character qualification for voters) are defined as follows:

"Let every Parish have one or more Censors, or Civil Officers, enabled to these following works. 1. To keep Peace in the Congregations, if any make disturbance, or if any by force intrude to the Sacrament (for the Pastors or People have no power of violence). 2. To joyn with the Minister and Church-Wardens in disposing of Seats in the Church, to avoid Contentions. 3. To meet once a moneth with the Church-Officers (or others) to hear the Causes that are brought before them: Where, 1. He may force those to appear as Magistrate, (when he sees cause) whom we can but intreat. 2. And he may (when he sees cause) have power to administer an oath. 3. And his Power and Vote concurring or dissenting, may determine how far the Magistrate shall second them; and also, 4. That none be taken to be disfranchised for crimes, by any excommunication, without the Censors conviction and consent (as we said before)."²

By having a civil officer in every parish Church, Baxter was of the opinion that churchmen could be prevented from meddling in things that belong to the magistrate's office, and at the same time the most intimate co-operation would be assured. Since it is desirable that the independent judgement of both Censor and pastor concur, one will provide a check upon the other and thus guarantee a greater degree of social justice. Baxter stressed the need for an independent judgement on the part of the civil officer, for the clergy must never be encouraged to believe that their judgement is final. He referred to this frequently,³

¹Ibid., p. 268.

²Ibid., p. 272.

³Ibid., pp. 282 f. Cf., Flea for Peace, p. 70. Cf., True Concord, pp. 256 f.

but perhaps most pointedly in a short treatise printed in the year 1676.

"The Civil Ruler may punish the same men for the same crimes, but upon their own exploration and judgement of the Cause, and not as meer Hangmen that must needs execute the judgement of other Judges. Their own Conscience must be satisfied, and they must know what they do, and why . . . "1

If this is done, Baxter was certain that the separation of the coercive power and the pastoral power will be maintained, and the monstrous evils of Prelacy avoided.

The magistrate is to achieve Church unity by a resolute and impartial insistence on the barest minimum of doctrinal requirements.²

"He must," said Baxter, "neither himself impose, nor suffer the Pastors to impose any uncertain or unnecessary points of doctrine, discipline or worship, as necessary to the Union or Communion of Churches; but restore the primitive simplicity; by taking the Holy Scriptures in general as the sufficient Rule and Law of faith and worship, and the ancient Creeds of the Church in particular, as the Universal Symbole: or if any more copious be drawn up, let it meddle with no Controversies that may be forborn, and let it be as much as may be in Scripture words."³

The only test of orthodoxy is a belief that the Scriptures are true.

"He that believeth explicitly," he continues, "and obeyeth but so much as is there delivered in plain expressions, is fit to be a Minister, and to have Communion with the Churches."⁴ In the Second Plea for

¹The Profession of Several, p. 95.

²Infra, Appendix F. One article of the prescribed doctrine is quoted there.

³Holy Commonwealth, pp. 275 f.

⁴Ibid., p. 276.

Peace Baxter put it in other words.¹ He said that unity is to be gained both with and without uniformity. In the first, there is to be uniformity only in "a few things so needful, or so lawful, that no sober, judicious Christians can question them." These are: the one baptismal covenant and the one faith or creed therein confessed, the Lord's Prayer, and the Decalogue. Unity without uniformity is to be gained by toleration in all things that are of indifferent importance, "leaving each Church to its proper liberty". "Unity in things necessary, Liberty in things unnecessary and Charity in both!"²

"Things unnecessary" include a vast variety of customs, practices, and ideas connected with what he called the "Circumstances", or "Secondaries" of Church life and worship.³ For Baxter's day the degree of diversity which the magistrate is to allow within the Churches is quite amazing. Speaking for the Non-conformists he considered for example, that it is a matter of indifference whether or not a minister uses a liturgy; whether or not one believes episcopacy to be a divine institution; whether or not God instituted any form of Church Government; whether "one Minister preacheth Arminianism, (in the points of free will, effectual grace, predestination, Redemption, and perseverance); and another preacheth zealously against it as a dangerous sort of error;" and whether one kneel or sit to receive the

¹Plea for Peace, pp. 181 f.

²Ibid., p. 155. Section 34.

³Infra, Appendix C.

sacrament.¹

Baxter realized that there will always be those who will subscribe to a National Confession and yet falsely interpret it; those who will differentiate between what is a minimum confession for a minister and for a layman; and those who feel that the passion for unity has led to a general confession which sacrifices essential doctrines. To these objections Baxter was resolute in his conviction of the utter futility of ever gaining unity by lengthening the articles of the National Confession, of adding new ones, or of defining correct interpretations.² If people can misunderstand plain Scripture truth, he remarked, they will just as easily misunderstand "truths plainly delivered by men."³ The fact is that many religious words are ambiguous, or at least bear a different interpretation to different people, so it is important that there be no enforcement of anything that will divide the vast majority who want unity. He was certain that the Church's concord is of more significance than the exclusion of two or three heretics. The real remedy for subscribers to the National Confession who teach doctrines contrary to it, is to leave their cases to the judgement and punishment of the civil authorities, and to the reproofs of the pastor or the

¹Plea for Peace, pp. 158-60. Section 44. Cf., Difference Between, p. 32.

²Ibid., pp. 183 f., Section 101. Cf., True Concord, pp. 277 f. Cf., Holy Commonwealth, pp. 276-78.

³Holy Commonwealth, p. 276.

Association. This method, in Baxter's estimation, will combine the preservation of unity for the majority on the basis of the National Confession, and at the same time determine by precedent what is intolerable heresy.

The second duty of the magistrate relevant to Church unity is to restrain the preaching and practice of intolerable errors.¹ Baxter held that a man is free to damn himself if he wishes, but God will hold the magistrate responsible if he is allowed to seduce others and infect them with his heresy. Third, no private assemblies or meetings are to be allowed except those which are under the charge of an Approved or Tolerated minister who shall be held accountable for them. Fourth, a magistrate's representative is to be at all Synods or Associations to keep the public peace, to prevent useless railing between churchmen, and to moderate between them. Tolerated Churches are to be prevented from casting scorn or contempt upon Approved Churches, and from drawing members from them to their own congregations. Fifth, the magistrate is to oversee the press, and restrain, (prohibit if necessary) any pamphlet controversy which ceases to be edifying or becomes a threat to unity. Last, he is to encourage fraternal associations and assemblies of Church officers and pastors so that further agreement and unity may be effected. The State is to be represented at these meetings. It is to favour those who belong to the Approved Churches, and give special encouragement to

¹Infra., Appendix E. An example of what Baxter considers "intolerable error" is quoted here. Cf., Holy Commonwealth, pp. 278-81.

all true unionists and "Lovers of concord".¹ To illustrate what he hoped for in this connection, Baxter cited his own experience of such an Association in Worcester and the neighbouring counties in the last years of the Protectorate. Pastors were enabled to consult and agree to such an extent that heresy and schism were effectually overcome.² He believed that these Associations might also be used to increase the efficiency of Church discipline by preventing an overlapping in Church-membership, by agreeing to admonish the impious offender of any congregation, and if he should remain impenitent to unanimously disown him.³

(c) "Of the Sovereigns Power over the Pastors of the Church, and of the difference of their Officers."⁴

"God hath in wonderful Holy Wisdom so nearly joyned the Church and Commonwealth, and the Magistracy and Ministry, that both are of necessity to the welfare of each Nation; and it hath occasioned many ignorant men to contend about their pre-eminence, as if it were a controversie among sober Christians, which of them were the chief: when it is no controversie, nor is there any room for the comparision, they being qua tales of distinct co-ordinate kinds, and each is chief in his proper Office. The Magistrate is as truly the Governour of Ministers by the Sword or coercive power, as he is of any other of his Subjects: And the Minister is as truly the Magistrates Church-guide by the Word of God, as he is of any other of his Flock:

¹Ibid., p. 282.

²True Concord, pp. 275 f.

³Plea for Peace, p. 186.

⁴Holy Commonwealth, pp. 285-312.

yet indirectly he may frequently be found from exercising any such disgraceful acts of Discipline on them, as may tend to diminish their Authority, or disable them to their proper work."¹

As the above quotation illustrates, Baxter considered both magistracy and ministry to be derived directly from Christ. "The Civil Power," he said, "is Essential to a Commonwealth (or Civil Policy) and the Pastors only necessary to its well-being, and the Pastors are essential to the Church (as a Political Society) and the Magistrate necessary to its well-being."² They are "twisted together" as the soul is with the body, or as the will is with the intellect, but one is not the source of the other. These powers are one and perfect in Christ, but no ordinary man is capable of holding both as he did, and so Christ has divided them. He gave part to the magistrate and part to the minister, and bid them exercise their power in direct responsibility to himself.³ While there is a sovereign magistrate in the land, there is not to be a sovereign pastor or head of the Church for that would be to usurp Christ's place.⁴ The equivalent position in the Church is the person who exercises the power of the keys, the pastor of a particular Church. To prove that these two powers are distinct and separate in human government, Baxter cited the following arguments: 1.

¹Ibid., pp. 268 f.

²Ibid., p. 285.

³Ibid., p. 286.

⁴Ibid., pp. 287 f.

⁵Ibid., p. 287.

Christ has "plainly" separated them; 2. He has forbidden temporal rule to ministers; 3. He has given both the magistrate and the minister enough work to occupy each fully; 4. In II Timothy iii:4 ministers are forbidden to entangle themselves in the affairs of this life. Baxter quoted the Council of Chalcedon, and several of the Church Fathers to support this opinion.

Both magistrate and minister have different kinds of power and exercise it in different realms of society. This is Baxter's definition of each in turn.

"The Magistrate hath power forcibly to seize an offenders estates and bodies, to imprison, mutilate, scourge, strike and kill them that deserve it, and to make Laws and judge men unto such punishments."¹

"For my part I take the very power of the Keys, to be no other, than a power of applying God's Word to the Consciences of the Penitent and Impenitent and the Church: and a power of judging who is fit or unfit for Church-communication according to God's Word, which judgement we can no otherwise execute but by the same Word, and by forbearing or exercising our own Ministerial actions to the person."²

The power of the magistrate as the sovereign authority in the State is self-explanatory. The power of the pastor is mainly persuasive, depending on how compelling his Scriptural arguments are, and how effectively he can engender the fear of God in the hearts of his hearers. The other part of his authority lies in the exercise of the power of the keys. Corresponding to pastoral excommunication from the sacrament there

¹True Concord, p. 249. Cf., Ibid., pp. 268-70.

²Episcopacy, Pt. I, p. 71. Cf., Directory, Pt. III, p. 133 Cf., Difference Between, pp. 17 f.

is a magisterial excommunication in which an offender is compelled to suffer the penalty of infamy and ostracism.¹ The latter expulsion is the worst penalty and does not necessarily follow the first for in most cases the Church's sentence will induce repentance and the person will be reinstated in the Christian fellowship. If, however, the ecclesiastical offence results in, or is accompanied by civil crime, then the law will add its penalty to the pastor's. If this fails, and the offender is persistent in his impenitence, the magistrate's excommunication will likely be added to the first. The theory which justifies this action is simply that he who refuses to submit to Christ's government in the Church, has forfeited his right to be a citizen of the theocracy. Another illustration of the separation of powers can be seen in the judgement of heresy.² The magistrate judges with a view to imposing the maximum penalties, for heresy cannot be tolerated in a Christian commonwealth. The pastor judges with a view to exclusion from all Church privileges, or with a view to absolution upon repentance. In all cases both Church and State make an independent judgement and impose their own penalties.

Both magistrate and minister have powers over each other's persons but not absolute power, for no man has absolute power over another in God's ordering of things. However, neither has any official authority

¹Difference Between, p. 46.

²Holy Commonwealth, pp. 293 f.

over the other's office, for these are of God's appointment and definition. Church discipline is to be applied to a magistrate as well as to any other man, yet the pastor must do it in such a way that the magistrate's office will not be discredited in the eyes of the people. In this regard, Baxter advised,

"... his Reproof should be in secret, till mere necessity call it out into publicke audience . . . If the Magistrate be once under dishonour he will be less capable of serving God, and managing his calling for the Common Good, because of the contempt . . . But if he openly offend, and own it, and openly persecute the Reprover, and leave himself incapable of more secret Reproofs, he may be openly Reproved, so it be with that submission and modesty that may signifie that we honour him as a Magistrate, while we reprove him as an impenitent offender."¹

The Church can go beyond reproof however, and can excommunicate a magistrate, but seldom will this happen. If it should, the magistrate must still be honoured and obeyed because of the office he holds. In his later books Baxter even claimed that no king, parent or magistrate, "on whose Honour the publick good Dependeth" could be excommunicated. "The reason is," he added, "because that the Natural Law of honouring Rulers taketh place of the positive institution of excommunication."²

Just as ministers have power over magistrates, so have the magistrates over the ministers, and indeed over all Church affairs. Baxter summarized his opinions in this regard in his pamphlet entitled,

¹Ibid., p. 293.

²Plea for Peace, pp. 48 f. Cf., Ibid., p. 68. Cf., Difference Between, p. 38. Cf., Profession of Several, p. 93.

The Difference Between the Power of Magistrates and Church Pastours.

"That all the power of the Sword, or of forcing by Mulcts or bodily punishments, as distinct from the power of the Word, that worketh directly upon the soul alone (by the senses) is in the King, and not in any of the Clergy, though it be about the matters of Religion. And that all power in Church matters and Religion, extrinsecal to the Pastoral Office as instituted by Christ, is of right the Kings, and his inferior Magistrates. And what would you or any man have more?

.

And as to the exercise of our Office, we all confess (except the Papists) that we are responsible to the King and Magistrates, for our faults, yea, for our injurious maladministration. And that though the King be not the Chief Pastor, nor hath the power of the Keys which Christ gave to his Ministers, yet he is the Ruler of all Churches and Pastors by the Sword, as well as of all Physicians. And is not all this enough to satisfie you, that we claim no part of the Magistrates Office?"¹

In another reference, Baxter wrote, "The Magistrate hath power over their very Pastoral work, though he hath not power in it as to do it himself."² They can punish a minister, and if he is unfit, can cast him out of their particular jurisdiction, but they cannot nullify a pastor's ordination. With the Papist and Presbyterian idea that magistrates have nothing to do with matters of religion, Baxter had no sympathy whatever. He declared to the contrary that magistrates govern ministers as men and as pastors, that they govern believers as men and as Christians, and that they govern Churches in secular matters as well as

¹Difference Between, p. 17.

²Directory, Pt. IV, p. 21, Question 4.

in God's worship.¹ They have authority to make laws about anything connected with Church worship or government which is not explicitly mentioned in Scripture.² In short, he is the executor of God's law in Church and State. In answer to the objection that they seldom know God's law well enough to judge and enforce it, Baxter replied that it is their duty as God's officers to acquire this knowledge. If perchance they are at fault in their execution, God will hold them accountable for their negligence. As far as the citizen is concerned, human failing can never be an excuse for dispensing with, or ignoring an officer of God's appointment. This evidence demonstrates the all-pervading power of the magistrate in Baxter's theocracy.

Because Christ has made the magistrates the guardians of the Church, ministers are not to resist them even if they inflict an unjust punishment. Having stated this general rule, however, Baxter pointed out that God has so described the pastoral office and so limited the magistrate in regard to it, that he has no authority to "hinder the ministry"³ nor can he usurp the power of the clergy which is uniquely theirs by virtue of their ordination. The principle enunciated here is that any State order regarding the Church which contravenes the law of Christ is ultra vires and justifies ecclesiastical resistance. A

¹Holy Commonwealth, p. 300.

²Ibid., pp. 307-309. Cf., Plea for Peace, p. 73. Cf., Appendix C.

³Difference Between, p. 21.

partial list of such orders includes the following:¹ making important and essential those things which are "indifferent" according to the law of Christ; commanding new ordinances about Church worship; instituting a new manner of admission to the Church other than that of baptism; inventing and enforcing a new Church discipline other than that given in Scripture; allowing laymen to usurp the power of the keys; altering the qualifications of Christ's ministers, or of Church members; and adding to the number of essential Church officers. When the magistrate and the minister give conflicting commands, Baxter spoke for all non-conformists when he said,

We would go as far in acknowledging the Authority of Princes, as will stand with our Loyalty and fidelity to Christ; But as we must be tender of their Rights and honours, so we must be more tender of his. And nothing can be due to the servant which derogateth from the honour of the Master.²

In a specific case,³ however, the first thing to do is to determine whether the command be right or wrong according to God's law. If the magistrate's command is right, then obedience must be given to him even if it means violating the pastor's command. This would apply even in matters of faith if the pastor is clearly in the wrong. Secondly, the subject must decide within whose jurisdiction the matter lies, and then give obedience to whom obedience is due. If the matter concerned in

¹Plea for Peace, pp. 28-32. Cf., Holy Commonwealth, pp. 304-306.

²Ibid., p. 28.

³Directory, Pt. IV, pp. 21 f., Section 53 and Pt. III, p. 154, Question 103.

the magistrate's command is within the pastor's authority, then obedience must be given to the pastor, while accepting the penalties for disobedience from the magistrate. Thirdly, in cases which are common to both spheres of authority, the magistrate should be obeyed in preference to the pastor. And lastly, if the magistrate's and pastor's commands concur, and they are against God's will for his Church, then disobedience is a duty until the subject is restrained.

PART IV

CRITICISM AND APPRAISAL

Chapter 1

BASIC ASSUMPTIONS

(a) Holy Scripture. Dowden remarks in one of his Studies in Literature that, "In the appalling loss of a living authority which should declare infallible doctrine, it was fortunate that men could in some degree steady themselves by the support of the infallible written Word."¹ Broadly speaking this is what happened among the Puritans following the English Reformation. The common authority and frame of reference for all thought and action was the Bible, and this was true for Richard Baxter and John Eliot. Their primary assumption was that the Holy Scriptures were the true, unique and complete revelation of God's will on all things. They contained the whole truth about the nature of the world and human society. The laws which were to govern the relationships of men and nations for all time were found in the Bible, and were amply illustrated in the history recorded between the time of the Creation and the death of the Apostles. The Bible was the infallible guide to faith and duty. It was the source and standard of all ecclesiastical principles, jurisprudence and political theory.

¹E. Dowden, Puritan and Anglican, Studies in Literature, (Kegan, Paul, Trench, Trubner and Co., London, 1900) p. 16.

Furthermore, it was assumed that any argument based on a Scripture text was automatically and conclusively proven. Such an implicit faith was partly responsible for the laborious type of argumentation so typical of the period. The more arguments one could list, the more devastating was one's assault on his opponent. Accordingly, one often finds a whole page filled with Scripture references supporting some argument, or several pages expounding the evidence of one text. The hardening of doctrine which was inevitably involved in such an uncritical appeal to Scripture is aptly described by Tulloch as follows:

Above all, the letter of the Scripture is itself turned into logic, and the divine idea, living and shapely in its original form, is drawn out into hard and unyielding propositions. No thing, is more singular, nor in a sense more impressive, than the daring alliance thus forced betwixt logic and Scripture. The thought and the letter, the argument and the fact, are inwrought. This identification of Scripture with its own forms of thinking was of the very essence of Puritanism, and gave it something of its marvellous success in an age when argument was strong, and criticism weak.¹

They claimed that Scripture was the source book for all their ideas, but it also became inadvertently the pattern and standard of their literary style and artistic achievement. Logically, they argued, the biblical style must be considered perfect for it was written by the Holy Spirit. They admired the simplicity of the Bible, and became very dependent on its imagery and literary devices. Its style was the best precisely because it had no extravagances of language, and could thus

¹J. Tulloch, Rational Theology and Christian Philosophy in England in the Seventeenth Century (Blackwood and Sons, Edinburgh, 1872), Vol. I, pp. 66f.

be understood by both rich and poor, learned and unlearned. The English Bible had just come into its own and it is probable that it was the only book in many homes. This has to be kept in mind if one is to estimate correctly the far-reaching influence of the Puritan and his Bible on the development of English language and literature in the seventeenth century.

Although the Bible was the common ground on which all the Puritans stood, they did not all treat the Scripture in the same way. Some were completely uncritical in their use of Holy Writ. They considered every verse and chapter of equal inspiration and as binding as any other. The Scripture appeared to them to be a codified law book or a record of precedent and was considered to be permanently valid. They made unqualified reference to it for religious order, civil polity and a complete casuistry for the Christian life. Others tried to avoid a slavish biblicism by using some discrimination in their reading. Without undermining its authority they sought to separate the permanent from the temporary in Israel's law, and what was of universal validity from that which had only a passing and parochial application. While the former group tended to overlook all intervening history in its direct appeal to the Scripture, the latter group gave more weight to the record of history, and were willing to learn from it as well as the Bible. Because Eliot has written so little it is perhaps unwise to categorize him, but I think there is enough evidence to place him with the first group and Baxter with the second.

Eliot's attitude can be discerned from random passages like the following:

The written Word of God is the perfect Systeme or Frame of Laws, to guide all the Moral actions of men, either towards God or man.¹

There is undoubtedly a forme of Civil Government instituted by God himself in the Holy Scriptures; whereby any Nation may enjoy all the ends and effects of Government in the best manner, were they but persuaded to make trial of it.²

Touching the way of their Government, I also intimated the purpose of my heart, that I intend to direct them according as the Lord shall please to help and assist to set up the Kingdome of Jesus Christ fully, so that Christ shall reigne both in Church and Commonwealth, both in Civil and Spiritual matters; we will (through his grace) fly to the Scripture, for every Law, Rule, Direction, Form, or whatever we do. And when everything both Civil and Spiritual are done by the direction of the word of Christ, then doth Christ reigne, and the great Kingdome of Jesus Christ which we weight for, is even this that I do now mention; by this means all Kingdoms and Nations shall become the Kingdomes of Jesus Christ,³ because he shall rule them in all things by his holy word.³

He based his civil theocracy on what Moses did as recorded in Exodus xviii:23-26, and the Supreme Council of Seventy on the account in Numbers xi:11 ff. When he realized that the population of a State may exceed the Single Platform of Government, he arbitrarily found a Scriptural authority for his Superior Platform on texts which have no reference to government whatever.⁴ Following the Israelite law he believed

¹Christian Commonwealth, p. 35.

²Ibid., preface, n.p.

³Letter of John Eliot, 29 November 1649, M.H.S. Collections, Third Series, Vol. IV, p. 131.

⁴Matthew xxvi:53; Revelations vi:11; Jude 14; Mark vi:40; Numbers x:36; Deuteronomy xxx:2,17.

that anyone who persisted in apostasy should be without the benefits of God's government, banished from the commonwealth, and if he refused to repent, put to death. Powicke reports him as claiming that the civil power had to suppress disturbers of the peace, and if that involved the death penalty, he was relentless.¹

To a certain extent Baxter made a blind appeal to the Scriptures as the following quotations will show:

The Scriptures are so entirely the product of the Spirit's inspiration that there is no word in them which is not infallibly true; no one error or contradiction in any matter can be found in Scripture, but those of the printers, transcribers and translators.²

Because the Scripture was written not only for that age then in being, but for the Church of all ages to the end of the world: and therefore it must be a sufficient directory for all.³

And from the Catalogue of Errors the following misconceptions were not to be tolerated:

11 That the Canonical Scriptures were not indited by the Holy Ghost, as infallible records of the Divine will.

14 That they were but occasional writings, never intended for the universal law or rule of faith and holy living.

15 That there were in the true original, as they came from the Apostles some errors.⁴

¹Cf., Infra., Appendix A.

²Richard Baxter, More Reasons for the Christian Religion and No Reasons Against it, quoted in John Hunt, Religious Thought in England, (Strahan and Co., London, 1870) Vol. I., p. 461.

³Disputations, p. 73.

⁴True Concord, p. 297. Cf., Plea for Peace, p. 25.

A few examples will further illustrate the extent to which he was a child of his age in this respect. To justify resistance to kings, he cited the case of Elias and Azariah. The manner was extraordinary, he remarked, when Elias destroyed the two captains and their companies with fire from heaven as recorded in II Kings 1:9,10, "yet the matter (destroying the King's Souldiers) was the same as if it had been done by war."¹ Again, Azariah did the right thing when, with fourscore men, he prevented King Uzziah from burning incense in the temple.² Among the many precedents he found for making the clergy subject to magistrates was the fact that David and Solomon and other kings of Israel and Judah" did take down and set up Priests, and order the Officers of the house of God", and also, "The deposing of Abiather and the setting up of Zadoc was just."³ One of the proofs for the separation of the office of the magistrate and the pastor was the smiting of King Uzziah with leprosy for meddling with the work of the priests.⁴ On the basis of Scripture precedent he claimed that under certain conditions the casting of lots could result in a "Divine decision". But God's choice would only be exercised if the person to be selected by lot was one of a number of highly qualified candidates. It was a "tempting of God" if

¹Holy Commonwealth, p. 382.

²II Chronicles xxvi:16-20. Cf., Holy Commonwealth, p. 445.

³Holy Commonwealth, p. 305.

⁴Ibid., p. 285.

lots were used among a company of ill-qualified men.¹ And lastly, he argued against democracy on the grounds that "No Scripture doth require a Minor part to stand in all cases to the decision of a Major vote, nor give a Major vote any Rule over the Consciences of the Minor part."² Of course, we must remember that in Baxter's day it was a virtual necessity for a man to take this attitude toward Scripture if he was to remain within the ranks of the Church at all. Even Locke, as Hunt points out, considered the Scriptures to be infallible, although he thought the human mind was fallible in its understanding of them.³ We may infer then, that Baxter used the Scriptures in much the same way as other Churchmen of his day, even though he had a very modern attitude to the Bible within the confines of this outward conformity.

Let us now point out some of the evidence for Baxter's rather modern and critical approach to the Scriptures. His freedom from the biblicism of Eliot was indicated, for example, in a remark like this, "Though God choose not his Officers now in the same manner as in Moses and the following Judges daies, (as to the extraordinary Call) yet are they now as truly his Officers as then."⁴ This freedom was further illustrated in the difference between his appeal to the Scriptures and that of the Separatists. The strict Separatist required express

¹Ibid., pp. 206, 260 f.

²Disputations, p. 305.

³John Hunt, Religious Thought in England, (London, Strahan and Co., 1870-71), Vol. II, p. 187.

⁴Holy Commonwealth, p. 135.

Scripture warrant for everything in Church government and worship, whereas Baxter maintained that only General Laws could be found there, and these were sufficient to maintain unity, decency and order.¹

We see it again in the time distinction which he draws both within the Bible, and between Bible times and his own day. In connection with the former, he stated that the law of Moses has been abrogated by Christ. The Jewish covenant applied to the Jews alone, in his opinion, but since Christ's advent, it has been replaced by a higher law and covenant which applies to all men.² The prophecies that were made to Adam and Abraham have been fulfilled, and their only purpose now is to edify the reader. Of course, he added, where men know nothing of Jesus Christ the original covenant of grace made with Adam and Noah is still in force along with the Law of Nature. This attempt to make a temporal distinction between the Old and New Testaments, and to evaluate various books and incidents accordingly was a marked advance beyond the typically Puritan attitude. In connection with the latter time distinction, we find it illustrated in a comment upon the relative power of the civil and religious rulers in Bible and in modern times. He wrote of the priests sitting with the civil judges in Moses' day, but they, in his opinion, "had Judicial Power, much further than we now desire."³ He

¹Cf., post., Appendix C.

²Directory, Pt. III, pp. 181 f., Question 155. Cf., Episcopacy, p. 29. Cf., Holy Commonwealth, p. 214.

³Holy Commonwealth, p. 270.

mentioned elsewhere what an error it would be to assume that all the Jewish laws were eternally valid for all generations. He enumerated such practices as: the slaughtering of one's enemies, saluting each other with a holy kiss, not eating things strangled, and baptizing by immersion; such customs and laws, he thought, had a definite and useful meaning when God commanded them, but were clearly not intended for all men for all time.

Another and related endeavour, which took Baxter far beyond the biblicism of many of his contemporaries, was to try and deduce from Scripture the general and universal principles by which human conduct could be governed. The purpose of this was to end the confusion which resulted from applying particular and universal laws indifferently to present day problems. His advanced attitude can be ascertained in this paragraph from the Directory.

Observe well in Scripture the difference between Christ's Universal Laws, (which bind all his Subjects in all times and places) and those that are but local, personal or alterable laws; lest you think that you are bound to all that ever God bound any others to. The Universal Laws are those which result from the foundation of the universal and unalterable nature of persons and things, and those which God hath supernaturally revealed as suitable constantly to all. The particular local or temporary Laws are those, which either resulted from a particular or alterable nature of persons and things, as mutually related (as the Law of Nature bound Adams son to marry their sisters, which bendeth others against it) or those which God supernaturally enacted only for some particular people or person, or for the time.¹

¹Directory, Pt. III, p. 173, Question, 136.

In answer to the problem of how to distinguish between universal and particular obligations in Scripture, Baxter supplied these guides:

1. Everything is universal which is but "a transcript of the Universal and perpetual law of Nature."
2. All is universal which has the stamp of "Universality and Perpetuity upon it."
3. With these we are to number all those commands which were given to the Church with the express request to keep them for posterity.
4. Finally, those which reason tells us were obviously meant for more than a local situation.

From these guides, we see how Baxter was trying to make the moral element in Scripture supreme. The individual text is not what matters; the important thing is the moral law or principle enunciated in that text which can be easily recognized by reason to be universal. Although there are many earlier instances of his use of the Scriptures merely to cite precedents, in his later books we can see that he had come to a much more mature attitude.

In this regard, he clarified his position further. "It is not of necessity to salvation," he continued, "to believe every Book or Verse in Scripture, to be Canonical, or written by the Spirit of God."² If the contrary were true, he argued, and it could be proven that some of the Apocryphal books that are not in the Protestant Bible were canonical, then, our Bible would not be sufficient unto salvation. He was convinced that the Scripture is "an entire comely body, which con-

¹Ibid., Pt. III, p. 173, Question 136.

²Ibid., Pt. III, p. 174, Question 137.

taineth not only the essential parts of the true Religion, but also the Integral parts and the ornaments and many accidents: which must be distinguished and not all taken to be equal." Lest he be misunderstood, he reminded his readers that "All of the Scripture is profitable to our knowledge, love and practice; and none of it is to be neglected . . .", but he insisted that the whole of the Scripture could not be made an article of faith.¹ Such knowledge was more than any one man could ever hope to achieve. Baxter believed that it was God's will that He be known and studied in the Scriptures, but he was also aware of the fact that it was possible to be saved and not to have seen or understood them at all. Indeed, wrote Baxter, it is part of the wisdom and mercy of God that there is enough in the Bible to exercise the most active minds and yet only a little is necessary to save him who cannot understand. And so he concluded that the "true mean" is: to select out of the Scripture the essentials for faith, to collect the most "pertinent integrals" which teachers are not to preach against, and to only require of men the belief that the canonical Scriptures are the Word of God.

In summary, we can see that both Baxter and Eliot referred everything in life and experience to the bar of Scripture. To both men Scripture was the highest authority; it was God's word, and God's law, and therefore possessed a unique holiness. This burden of biblical inspiration and authority committed both men to an endless searching of the Scriptures for the guidance of God. Although Baxter frequently, as

¹Ibid., Pt. III, p. 177, Question 144.

Eliot always did, fell into the uncritical approach, even to imposing an allegorical interpretation, yet there was that in Baxter's approach which resisted a blind subservience to Holy Writ. He was one of the rationalising theologians of the seventeenth century (as we will show more clearly in the third part of this chapter) in his insistence that Scripture should be consonant with Nature and Reason. While Eliot in his appeal to the Bible could dismiss all intervening history, Baxter could not. Baxter may not have had a very clear conception of historical development, but the idea had suggested itself and he was applying it. Like many others he was struggling against the stultifying prison of tradition and Scripture, and was trying to explore new ground--ground which would comply with intellectual honesty, and yet be in accord with the essentials of Scripture faith.

Our remaining task in this section is to briefly indicate the similarity between Baxter's views on the interpretation of Scripture and those of other thinkers.

Baxter was a great admirer of Hooker, and Hooker tried to discriminate between the different portions of the Bible, tending to the position that the "Word of God" was contained within the Bible, rather than in its every verse and syllable. Willey summarizes his position in this fashion:

Much of Hooker's Ecclesiastical Polity is devoted to showing that although the Bible contained what was necessary for salvation, all that it contained was not necessary. God had only revealed in it what was undiscoverable by the light of Reason;

the rest he had left to our discretion.¹

Much like Baxter, we find Hooker distinguishing between laws of permanent and temporary obligation, and in this way he refuted the Puritan argument that Scripture was the only source of wisdom.²

Baxter was also acquainted with the writings of Spinoza. This Jewish philosopher was very modern in the way he drew attention to the fact that the Bible was a compilation of books by different writers, and therefore its proper study involved an examination of the history, authorship, date and purpose of each book. He then proposed that the next step in the proper study of Scripture would be the gathering together of all passages relating to any one subject so that the essential teaching might be determined and the variations noted. From such a study he believed that the general and universal principles regarding man's duty to God and his fellowmen would become apparent.³

The Cambridge Platonists illustrate equally well the main current of seventeenth century thought on this subject. They stated that things were right and true not just because they happened to be between the covers of the Bible, but rather because they also had the approval of Reason and conscience. In fact, their doctrine of "natural light" claimed that knowledge of God and virtue could be discovered by any

¹Basil Willey, The Seventeenth Century Background. (Chatto and Windus, London, 1934) p. 67.

²Dowden, op. cit., p. 73.

³Spinoza, Tractatus Theologicus-Politicus quoted by J.M. Creed and J.S. Boys Smith, Religious Thought in the Eighteenth Century. (University Press, Cambridge, 1934) pp. 209-14.

seeker after truth. In their estimation this explained the presence of sages and even saints among the ancient heathen. However, the primacy of Scripture was not consciously challenged for they thought that Scripture not only confirmed natural truth, but declared it in terms of the covenant of grace, and thus gave it a note of certainty and authority it would not otherwise have.¹ Willey quotes Whichcote, one of the leading Platonists, as follows: "Clear principles of truth and light, affirmed by the natural reason and confirmed by the law and purpose of the Gospel are above all particular examples and texts of Scripture."² It is apparent that they also were searching for the universal laws which God had ordained for the eternal guidance of men. The reference to "clear principles" illustrated their concern for the moral element in Scripture which was a primary interest of Baxter's as well.

Finally, let us note the affinity between John Locke's ideas and those of Baxter. Fraser tells us that although Locke had been nurtured in the Puritan appeal to the external authority of the Scriptures, his rationalism led him in the same direction as the Platonists.³ In his discussion of "Enthusiasm" Locke made it abundantly clear that he distrusted those who appeal to Scripture emotionally and literally to support their own narrow dogmas. Consequently he insisted that all

¹Powicke, The Cambridge Platonists, (J. M. Dent and Sons, London, 1926) pp. 31 f. Hereinafter referred to as Powicke III.

²Willey, op. cit., p. 73.

³A. C. Fraser, Locke, Philosophical Classics for English Readers, (W. Blackwood and Sons, Edinburgh, 1901) pp. 253-55.

the inspiration and revelation gained from Scripture must submit to trial by Reason.¹ He approached Scripture in the spirit of modern historical research, evaluating one part by comparison with another, and thus endeavoured to get past the clutter of prejudiced interpretations to the basic essentials and principles.² We find him placing more confidence in the gospels than in the epistles, and as another example, we find him declaring that the law of Moses does not oblige Christians, for when Moses said, "Hear, O Israel", he thereby defined whom the law was for.³ The following paragraph from Locke summarizes his position admirably.

"The Epistles," he says, "are written upon several occasions; and he that will read them as he ought, must observe what is in them which is principally aimed at. He must find what is the argument in hand, and how managed, if he will understand them right. The observing of this will best help us to the true meaning and mind of the writer: for that is the truth which is actually given to be recorded and believed, and not scattered sentences in Scripture language accomodated to our notions and prejudices. We must look into the drift of the discourse, observe the coherence and connection of all the parts and so how it is consistent with itself and with other parts of Scripture, if we will conceive it right. We must not cull out, as best suits our system, here and there a period or a verse, as if they were all distinct and independent aphorisms and make these necessary to salvation, unless God has made them so. The Epistles, most of them, carry on a thread of argument, which, in the style they are writ, cannot everywhere be observed without great attention; and to consider the texts as they stand and bear a part in the whole, that is to view them in their true

¹John Locke, "Of Enthusiasm", quoted by Creed and Boys Smith. op. cit., pp. 10-16.

²H. McLachlan, The Religious Opinions of Milton, Locke and Newton, (University Press, Manchester, 1941) pp. 93-95, 204.

³John Locke, A Letter Concerning Toleration, Edited by John Gough, (Basil Blackwell, Oxford, 1946) p. 148.

light, and the way to get the true sense of them.¹
This type of exegesis was in sharp contrast to the typically Puritan bondage to the letter.

In conclusion, it should be noted that although Baxter and Locke took a freer attitude toward Scripture, they both retained a deep reverence for its authority. Scripture was the regula fidei to which all creedal formulations were secondary. However, the trend was unmistakable, and by the end of the century the prestige of the Scriptures as the final authority had diminished considerably.

Willey comments:

It was not so much that men had rejected it as 'false'; it was rather that as 'natural religion' came more and more to seem all-sufficient, 'revelation' began to appear, if not superfluous, at least secondary, and perhaps even slightly inconvenient."²

¹Fraser, op. cit., pp. 262 f.

²Willey, op. cit., pp. 74 f.

(b) Natural Law. Along with Scripture the Law of Nature was the foundation-stone upon which Baxter based all his political thought. As is well known this concept is among the oldest in the history of political philosophy, and has wielded a tremendous influence even to the present day. Its origins can be traced from Aristotle, through the Stoics and the Roman Lawyers to the Christian Fathers, and from them to the successive schools of lawyers and philosophers in the Middle Ages. St. Thomas set the scheme within which the thought of the Church continued, and in the sixteenth century a group whom Gierke called "ecclesiastical writers on Natural Law" carried on the discussion of Natural Law. The Spanish Jesuits, and the Dominican, Soto, were notable members of this group. Then came the great school of Naturrecht in Germany in the seventeenth century. Grotius and Pufendorf were its outstanding writers, with Hooker, Cumberland and the Cambridge Platonists expounding the same tradition in England. In attempting to assess Baxter's relationship to the prevailing ideas of Natural Law, it is important to bear in mind that he was thoroughly acquainted with all the more prominent writers in the whole history of Natural Law. He quoted the ancients frequently, and Cicero seemed to have been a great favourite. The Church Fathers, medieval theologians, and the Reformers were well known to him. He mentioned the ecclesiastical writers on Natural Law often, and admired both Grotius and Hooker.

Baxter believed that the Law of Nature was the Law of God revealed in nature and discernible by human reason. He explained

it in the following way:

When I say God hath given man this Law of Nature, I mean, both that he hath made an Impress of his mind upon the Creation, and set us this Glass to see himself, and much of our Duty in, and also that he hath given to the very nature of man a Capacity of perceiving what is thus revealed, and a Disposition especially to the Reception of the more obvious Principles: so that by ordinary helps, they will be quickly known; and the rest may be known, if we be not wanting to ourselves.¹

He spoke of Natural Law both as being God's will written large in natura rerum, and as an "aptitude" or "disposition" by which men intuitively know the great principles which nearly all men agree to.² This Law of Nature, which he referred to as "the Moral Law," contained all the duties of men to their creator, to their neighbours and to themselves. He believed, for instance, that it was evident from Nature that our duty to God is:

"...to love him with all our hearts: more particularly it is, that we most highly esteem, honour, reverence, believe and trust him, and adhere to him in love, and seek him, depend upon and serve him with all our powers and faculties: worshipping him according to his nature and revealed will, and using honourably his Name, and devoting to his special worship a fit proportion of our time."³

The duty to ourselves, he concluded, was to have "an ordinate love of ourselves, and care of our bodies, but especially of our souls, for the great ends of our Creation and Redemption."⁴ The duty to

¹Holy Commonwealth, p. 50.

²Ibid., p. 49.

³Ibid., pp. 50 f.

⁴Ibid., p. 51.

our neighbour, he concluded, was:

"...to love him with an Impartial Love, not drawing from him to ourselves, by an inordinate selfishness: which must be expressed about his Life, Chastity, Estate, Honour, and anything that is his: Godliness, Soberness, and Righteousness, are the general Titles of all these three."¹

Baxter believed that Nature had revealed the necessity for domestic, political and ecclesiastical government.² Natural Law required that parents should govern their children, husbands their wives, and masters their servants. He pointed out that if a wife refused to be subject unto her husband then the marriage was null and void because it contravened the natural and divine institution of family government. Since many families living together in one geographical area needed supervision, God through Nature had instituted civil and political rule to meet this need. Similarly, since man has a soul to save, and everlasting life to gain or lose, therefore ecclesiastical government, the coming of Christ, and the institution of the ministry were made necessary by Nature.

According to the Law of Nature God is "The Absolute universal Rector of all mankind."³ He alone has the power of universal legislation and judgement, and his laws are extant both in Nature and in Scripture. Since the office of magistracy or government is an

¹Ibid., p. 51.

²Holy Commonwealth, pp. 55-57.

³Plea for Peace. p. 22.

institution of Natural Law, the office must be obeyed no matter who the ruler is, be he atheist or usurper as long as his rule is better than anarchy. From the same Law he deduced the principle that no one person is intended to have absolute arbitrary rule over anyone else, and also that the people do not have any ruling authority. Likewise he inferred that the common good is more important than any individual's good, and that a man should put his country before himself.¹ The principle that "vice deserveth punishment and virtue praise" and that governments should so order the life of society that "it should go well with the good and ill with the bad" were also evident in Nature.² The above paragraphs indicate only a sample of what duties and principles Baxter believed the Law of Nature revealed.

It was Baxter's conviction that God ruled the world by the Law of Nature until the Christian revelation, and still ruled it where the Gospel had not been preached.³ With the coming of Christ Baxter believed that:

Nature itself is now delivered up to Christ, and the Law of Nature is now part of his Law, and the Instrument of his Government, both for the common good and order of the Redeemed World, and also as sanctified to the special good and order of his Church; Even so is the Office of Magistracy now under him, and derived from him and dependant on him, in both these forementioned respects.⁴

¹Ibid., p. 16.

²Holy Commonwealth, p. 12.

³Ibid., pp. 367 f.

⁴Episcopacy, Pt. I, p. 28.

Christ did not institute a new office of civil rule; all he did was to add new laws by which he gained control of an office which already existed in Nature. Although the office of the ministry had a basis in Natural Law in that those who know, have a duty to instruct the ignorant, nevertheless, the peculiar character of the ministry was of Christ's own institution.¹ He believed that the Mosaic Law and the whole of the Old Testament illustrated the Natural Law in a multitude of ways so that any incident could be quoted as a precedent.² After the redemption achieved by Christ, all believers have the Law of Nature "in the most legible characters," but they have in addition the Law of Grace.³ He believed that the Law of Moses had been transcended by Christ but in such a way that it had been incorporated into a higher law.

By way of assessment let us examine Baxter's position in relation to four of the main characteristics of the Natural Law thinking of his day.

That the framework of Natural Law tended to provide an ideal order of reference by which all earthly order could be judged was a common conception of most Natural Law theorists. We find it in the conception of the Roman Lawyers. The jus naturale was "the

¹Ibid., p. 29.

²Directory, Pt. III, p. 181, Quest. 155.

³Holy Commonwealth, p. 214.

law imposed on mankind by common human nature, that is, by reason in response to human needs and instincts."¹ Barker describes their conception of it as "a general legal ideal," "a way of looking at things," a code of conduct that could be rationally deduced from the general conditions of human life.² As an ideal it was timeless in its application, but it could not be enforced for it was not actual law. The Christian Fathers contrasted the eternal and universal character of the Law of Nature with the temporary and particular application of all man-made enactments. They tended to equate it with the law of God.³ With Gratian in the twelfth century the complete identification of the Law of Nature with the law of God had been accepted.⁴

Concerning Natural Law, St. Thomas wrote that the rational creature subject to divine providence had a share of Eternal Reason whereby it was naturally inclined to its proper end under God. "This participation of the rational creature in the eternal law is called natural law."⁵ He believed that the divine positive law

¹O. Gierke, Natural Law and the Theory of Society 1500-1800. (Cambridge University Press, 1934). Translated with an Introduction by E. Barker; p. xxxvi.

²Ibid., p. xxxvii

³Reference will be made Infra pp. 226 f. to the corresponding belief of the Fathers and the Stoics in a relative and an absolute Law of Nature.

⁴W.A. Robson, Civilization and the Growth of Law, (MacMillan, London, 1935), p. 218.

⁵Carlyle, Vol. V, p. 38.

found in the Old and New Testaments came by revelation, and was needed to recapitulate the great principles of the Law of Nature which had become obscured since the Fall. The divine law did not contradict the Natural Law; it was added that men might participate in the lex aeterna in a higher manner.¹ The Jesuit political writers also held to a Natural Law that was higher than national custom; to them it was the embodiment of eternal justice.² The conception of Natural Law held by Calvin was not "substantially very different" from that held by St. Thomas.³ Troeltsch says that Calvin "continually describes the Decalogue and the Natural Law as the eternal unchangeable rules of the Divine moral law."⁴ Although Grotius and Hooker tended to separate Natural Law from revealed divine law, they concurred in this great insight of all Natural Law thinking, namely, that there was a source of and standard of justice beyond space and time to which all human efforts at justice were accountable. From this brief survey we can readily see how loyal Baxter was to this insight. He believed that there was an over-ruling Law of Nature which did not contradict Divine Law, and to which all positive law had to conform. He believed that any legislative enactment which infringed the Law of Nature was auto-

¹Ibid., p. 40.

²Figgis, From Gerson to Grotius. (Cambridge University Press, 1916), p. 152.

³Carlyle, Vol. VI, p. 230.

⁴Troeltsch, The Social Teaching of the Christian Churches. (Allen and Unwin, London, 1931), Vol. II, p. 613.

matically null and illegal. All human institutions, all laws, all human activity were to be evaluated and judged by the standard of God as revealed in Scripture and as discoverable by human reason in Nature.

In the second place, we should observe that there was a double-aspect to the great Natural Law School as it developed in the seventeenth century.¹ On the basis of the inherited Christian system of Natural Law it sought to justify the absolutist governments of the period, and later to explain the necessity for individual freedom from such governments. Willey risks the following generalization:

...it was the idea of a controlling Law of Nature which officially dominated the Middle Ages, rather than that of the liberating Rights of Nature; and that in passing into the seventeenth and eighteenth centuries, 'Nature' ceases to be mainly a regulating principle, and becomes mainly a liberating principle.²

Baxter thought of the Law of Nature both as a controlling and a liberating principle. He found himself between the exponents of Natural Law who advocated the sovereignty of the Ruler and those who advocated the sovereignty of the people.

The earlier thinkers like Grotius and Pufendorf tended to use Natural Law to support the cause of authority, while Locke and later theorists inclined more toward popularism.³ Baxter was authoritarian

¹Troeltsch, The Ideas of Natural Law and Humanity in World Politics, Appendix I, Gierke, op. cit., p. 207.

²B. Willey, The Eighteenth Century Background. (Chatto and Windus, London, 1940), p. 16.

³Gierke, op. cit., Barker's⁷ Introduction, p. xlviii.

enough to stand firmly for a supreme and absolute sovereign power within the State, yet at the same time he proclaimed the inalienable natural propriety of the individual human being. According to him God had ordained that every society must have government to impose order and carry out the divine intention, but the same God had also granted to his creatures certain indestructible rights which government existed to preserve. There can be no doubt that Baxter was among those thinkers who sought to unite the sovereignty of the Ruler and the People in a "mixed constitution." However, Baxter's reverence for the divine hierarchy did not allow him to admit that he was supporting both the sovereignty of the Ruler and that of the People. He preferred to call the latter the people's share in sovereignty by "after-constitution" and not by Nature.

In the third place, let us turn to the secular character of the Natural Law School of the seventeenth century. An examination of the writings of the Jesuits and Hooker¹ reveals that although they wrote in terms similar to those of St. Thomas, assuming the divine origin of Natural Law, nevertheless, they were appealing to reason and giving the Law a purely secular basis. The roots of this can perhaps be seen in the teaching of St. Thomas himself who implied that "the law natural is implanted in natural reason for the pursuit

¹Gierke, op. cit., Barker's Introduction, p. xli.

²F. J. Shirley, Richard Hooker and Contemporary Political Ideas (S.P.C.K., London, 1949) p. 76.

of worldly ends, while the law divine is revealed by God to man in a supernatural way for transcendental purposes."¹ In any case, the secular character of the Natural Law School is clearly discernible.

The School is thus a rationalistic school, emancipated from the Church; its tendency, we may say, is to subject the Church to Natural Law rather than Natural Law to the Church; and its thinkers seek to determine the nature of the Church, and the proper scheme of its relations to the State, by principles which are themselves independent of the Church.²

In discussing this same subject Troeltsch shows how Neo-Calvinism accepted the idea of an "autonomous rational Natural Law" which primitive Calvinism had not entertained.³ In the latter, Church and State were held together by the theocratic idea. Calvin reiterated the ideas of the Fathers who had stressed the duty of the Christian State to God, and the necessity for the Church to supplement the institutions of relative Natural Law with the grace of God. Neo-Calvinism on the other hand tended to lose the distinction between a relative and an absolute Law of Nature, and explained the origin and utilitarian end of social institutions from a purely secular Natural Law. With the end of theocracy, and the separation of Church and State, we find Independents⁴ arguing

¹Robson, *op. cit.*, p. 220. Cf., Troeltsch, Vol. I, p. 265.

²Gierke, *op. cit.*, Barker's Introduction, pp. xli f.

³Troeltsch, Vol. II, pp. 672, 674.

⁴Milton and Roger Williams among them.

that since the Fall the first table of the Decalogue no longer belonged to the Natural Law, and that the State's duty was to administer the second table only.

It is difficult to understand how Baxter could have advocated theocracy in keeping with medieval and Calvinistic ideals, and at the same time to have expounded with whole hearted approval secular Natural Law. We believe the explanation lies in the fact that like most Natural Law writers he found in it what he was looking for. In his case, he found a justification for theocracy, as well as a corroboration for nearly all of revealed truth. While at times Baxter seemed to be quite aware of the secular tendencies of many of the Natural Law thinkers, at others he seemed to be unaware of the implications of the theory itself. This was not a fault in Baxter; he was just a child of his age. Nevertheless, to do him justice, we must say that all his work and writing was intended to reaffirm the Christian character of all social institutions and to postpone as long as possible their secularization.

In the last place we would like to draw attention to the optimistic view of man which the Natural Law School fostered and which put Baxter upon the horns of another dilemma. Let us briefly state the extremes of the view of man held by Calvin and by Natural Law. Both Luther and Calvin believed that the passions of sinful men were such that the light of natural reason would not allow them

to discover the principles of right living by themselves.¹ Calvin believed that some spark of the divine image remained in man after the Fall, but it had been nearly extinguished and could not of itself lead a man to his salvation.² To exalt human reason was only to feed human pride and promote further iniquity. To him Nature had no independent existence; it was only a projection of God—part of the revelation of the divine will.³ On the other hand, we have Hooker (to take one example) teaching that the Law of Nature was "a light of the human reason, which man might know apart from revelation; that the Bible does not contain the sum of all political and moral life."⁴ Through his rational powers, mankind could discover what was good, for "The laws of well-doing are the dictates of right Reason."⁵ This led Hooker to assume that all men could discover the Moral Law of Reason, that it obliged all men to obey it, and that its observance would assure mankind's continued progress.⁶ Or we may summarize the secular stand of the whole School

¹Shirley, op. cit., p. 74.

²Loc. cit.

³Ibid., p. 75.

⁴Loc. cit.

⁵Ibid., p. 78.

⁶Ibid., p. 79 f.

of Natural Law in the words of Troeltsch:

Here the doctrine of inherited sin has crumbled away; and its place has been taken by a convinced optimism in regard to human nature and reason and a belief that, if left to themselves, men will follow the lead of their natural interest in the community, and will solve every problem rationally by the standard of utility.¹

Now the question is what position did Baxter take in relation to these opposing estimates of human nature. First of all we must admit that he was not a full-fledged Calvinist, although, "If such a term had existed, he might have called himself a Liberal Calvinist."² We can think of countless times when Baxter adds an innuendo to an argument which states that it is not wise to put too much faith in human beings. For example, after discussing the right to resist, he added that subjects need not so much to be taught the occasions when they may lawfully rebel, as that they should always submit to God-ordained authority. In the second place, we have to admit that Baxter's faith in reason was in complete concurrence with Hooker's and the Natural Law School.³ However, we think that this generalization might safely be made, that while Hooker and Locke exalted human reason with few reservations, Baxter exalted it without losing sight of its limitations. His theological convictions

¹Troeltsch, Appendix I, Gierke, op. cit., p. 207.

²Hugh Martin, Puritanism and Richard Baxter. (S.C.M. London, 1954), p. 134.

³This will be shown in the next section. Infra. pp. 205 ff.

always reminded him of the subservient relation of the creature to his creator, and of man's fallen state. We believe that this was at the root of his fear of popular sovereignty.

(c) Reason. Although Baxter's conception of Reason was bound up with his idea of Natural Law, it is nevertheless worthy of separate mention for it was one of the basic assumptions which underlay all his religious and political opinions. To state and examine his doctrine of Reason completely would require the reading of several more of his published works—an undertaking which would take us outside the field of this investigation. However, it is necessary at least to sketch his theory, and show how it largely determined his stand in several of the religious and political issues of his day. We will trace this influence in, (1) his judgement of what were the essentials of religious faith, (2) his idea of toleration, and (3) his attitude to the constitutional issue of the day.

At the outset let us recall the intellectual and religious atmosphere into which Baxter was born and in which he wrote. Of cardinal importance for him and his generation was the influence of Descartes who had exalted everyone's confidence in human reason. This was, in turn, leading to the rejection of scholastic thought and to a rising faith in scientific enquiry. Descartes did not write on political theory, but his influence was there; it appeared in the utilitarian sanction which Hobbes gave to absolute sovereignty. There was however, a group of scholars which reacted against the mechanical and utilitarian principles of Hobbes, and which was endeavouring instead to arrive at the truth by a re-thinking and a re-statement of traditional beliefs. "It was inevitable, in this explanatory age", writes Willey, "that an effort should be made to 'explain' Christianity, to restate its

doctrines in terms which would be felt to be 'reasonable', that is, in accordance with the modern standards of reality."¹ Another source of this reaction was to be found in certain factors of post-reformation religious thought which gave rise to a "philosophic type of Christianity". Tulloch illustrates this very clearly in the first chapter of his two volume work.² The appeal to Scripture at the Reformation boomeranged in such a way that Protestantism was forced to define its own position more precisely, and this issued in a multiplicity of creeds and confessions. The subsequent controversy was bitter, hardening religious zeal into narrow dogma, and largely killing the spirit of free enquiry. Hooker found that dogmatic Protestantism as found in Geneva was more hostile to the appeal to 'right reason' and the 'light of nature' than the Roman Church had been.³ Tulloch says that one of the reactions to this dogmatic sterility took the form of Arminianism, which "revived the suppressed rational side of the original Protestant movement, and, for the first time, organised it into a definite power, and assigned it its due place both in theology and the Church."⁴ The

¹Willey, op. cit., p. 120

²Tulloch, op. cit., Vol. I, Chapter 1.

³Willey, op. cit., p. 121.

⁴Tulloch, op. cit., Vol. I, p. 19.

conflicting parties with their conflicting appeals to authority undermined the reference to an external authority altogether, and prepared the way for those thinkers who endeavoured to lift religion "right out of the sphere of controversy," and place it "on a firm, because 'philosophical', foundation."¹ Falkland, Chillingworth, Baxter and many others had a share in this noble enterprise; but our concern here is with Baxter.

As we have seen in the previous section, Baxter believed that God as sovereign ruler of mankind had given men the Law of Nature, or the Christian moral law, to guide them in this earthly life. He also believed that this law was the "Impress" of God's mind upon the creation, and that God had given to "the very nature of man a Capacity of perceiving what is thus revealed" and deducing his duties therefrom.² This capacity is man's intellect, his reason and his conscience all in one, and Baxter's faith in it knows no bounds. "And what power Reason truly hath," he asserted, "it hath from God, which none can overtop."³ The following quotation gives his doctrine more fully:

"God hath made Reason essential to our nature: it is not our weakness but our natural excellency, and his image on our nature. Therefore, he never called us to renounce it or lay it by; for we have no way to know Principles but by an intellectual discerning of them in their proper evidence; and no way to know conclusions by, but a rational discerning their necessary connection to those principles. If God would have us know without reason, he would

¹Willey, op. cit., p. 121.

²Holy Commonwealth, pp. 49 f. Cf., Plea for Peace, p. 32.

³Directory, Pt. IV, p. 26, Direction 39, Objection 2.

not have made us reasonable creatures. Man hath no way of mental discerning or knowledge, but by understanding things in their proper evidence. To know without this were to know without knowledge! Faith is an act, or species of knowledge: it is so far from being contrary to reason that it is but an act of clear elevated reason. It is not an act of immediate intuition of God, or Jesus Christ himself, but a knowledge of the truth by the divine evidence of its certainty. They that wrangle against us for giving reason for our religion, seem to tell us that they have none of their own, or else reprehend us for being men."¹

It is difficult to imagine a more complete identification of reason with faith than this one.

Baxter was convinced that there was evidence for religion in the facts of the natural creation, that this evidence could be read by reason, and if pursued would lead to a religious faith which reason could approve. In fact his book The Reason of the Christian Religion, tried to show how natural evidence proves the whole contents of Christianity and how supernatural revelation confirms it.² One can grasp something of Baxter's idea of natural religion in the following quotations:

"None but the Atheist or irreligious take all Religion to be uncertain: Man is naturally Animal religiosum, made to serve God in order to future happiness: And Religion were no Religion if a man could have no satisfactory notice of its truth."³

"Among Truths certain in themselves, all are not equally certain unto me: and even of the Mysteries of the Gospel, I must needs say with Mr. Richard Hooker Eccl. Polit. that whatever men may pretend, the subjective certainty cannot go beyond the objective Evidence: for it is caused thereby as the print on the Wax is caused by that on the Seal: Therefore I do more of late than ever discern a necessity of a methodical procedure in maintaining the Doctrine of Christianity, and of

¹Baxter, quoted by Powicke II, pp. 238 f.

²Ibid., pp. 239 f.

³True Concord, p. 270.

beginning at Natural Verities, as presupposed fundamentally to supernatural (though God may when he please reveal all at once, and even Natural Truths by Supernatural Revelation): And it is a marvellous great help to my Faith, to find it built on so sure Foundations, and so consonant to the Law of Nature."¹

Baxter claimed to find 'objective evidence' for practically every dogma of the Christian creed. The argument from nature at the beginning of the Holy Commonwealth illustrated, in his opinion, how reason could discern in man himself proof of God's existence and attestation to all His attributes. But this was not all; in the light of reason Baxter believed that

"... the law of nature discloses itself as a revelation of the whole duty of man--in its grounds and range--towards God, towards himself, and towards his fellows. Baxter's table of duties, prescribed by nature and commended to reason, runs to forty-four items; and covers the Sermon on the Mount no less than the ten Commandments."²

"In other words," continues Powicke, "as he (Baxter) says in effect elsewhere, 'Christianity did not need to do more than sharpen the vision of truths already revealed, and reinforce them by opening up fresh springs of moral power'."³ In all this he was trying to demonstrate how deep are the roots of religion in the human soul, and how the Holy Spirit is connected with all the outreaching of mankind toward the knowledge and service of God. To add cogency to his argument that there was

¹Reliquiae Baxterianae, Pt. I, p. 128.

²Powicke, II, p. 240.

³Ibid., p. 241

evidence for God, that his character and activity could be seen in nature, he deliberately quoted the "ancient heathen moralists" who were outside the Hebrew-Christian tradition, in preference to the Patristic writers.¹

Baxter had a very noble conception of the part that "Private Judgement" was to play in fulfilling one's responsibilities as a Christian citizen. From the following definitions we can see that he identified the exercise of this private judgement or reason with the exercise of conscience.

"Every Rational creature under Heaven hath a judgement of Discerning, called a Private Judgement, by which all must try, know and guide their duties to God and man."²

"Conscience is not a Law-giver, Governour, or maker of duty, but a discernor of duty made by Laws."³

In other words, reason and conscience together provide men with their highest insight into truth, and this insight is directly dependent on the purity of one's moral life. His supposition was that God rules by general moral laws and that human reason discerns a person's duty in a particular situation. This led him to say that there can be no such thing as an "erring conscience", for it cannot be conscience, nor "right reason" if it commands us to do something contrary to God's law.⁴

¹Ibid., p. 247.

²Plea for Peace, p. 45.

³Ibid., p. 40.

⁴Ibid., p. 41.

Conscience can never be a law-giver, for if it were it would usurp the power of God and his duly appointed officers in Church and state. It is that by which a Christian determines God's will for him. God's law is the only final law, and reason and conscience are its interpreters.¹ Of course, Baxter believed that the laws of a king or government could bind men to conscientious obedience by virtue of the fact that their power was derived from God, but this did not mean that a subject was to obey a sovereign without question.² It was one of his cardinal principles that though kings may "bind the soul to conscionable obedience under God, yet can they not bind us against Conscience."³ This right of private judgement or conscience is a natural right quite beyond the appropriation of a magistrate.⁴ With those who had difficulty knowing what to do when there was a conflict between their conscience and the law of the land, Baxter had no sympathy whatever. In such a conflict he felt that the Christian's task is simple: "either God doth command the contrary, or he doth not", and having settled this, his duty is clear.⁵ Although Baxter protested that there is no choice between king and conscience (for the conscience has no governing power), yet by placing such emphasis upon the individual's privilege to decide the right and wrong of

¹True Concord, p. 271.

²Plea for Peace, p. 39.

³Loc. cit.

⁴Holy Commonwealth, preface, p. 33.

⁵Plea for Peace, p. 41.

governmental policy and whether he would cooperate or resist, Baxter was underlining the importance of "consent" as the foundation of government.

Related to this conception of "private judgement" in respect of duty, there was also an idea of the private "witness of the spirit" in matters of faith. He believed that those who heard the gospel could independently accept or refuse the offer of salvation, and this is surely a necessary hypothesis for all Christian work. But Baxter went further than this: he believed that there is some degree of general grace in all men, drawing them to Jesus Christ. His conception was somewhat related to the Quaker's inward light, and it meant, writes Powicke, that there was "grace enough, in every man, to quicken the understanding into a clear perception of saying truth, and thereby move the will to the obedience of faith, and so to conversion."¹ This in turn led in his more mature writings to a doctrine of experience which supplemented his doctrine of Reason. We are also indebted to Powicke for this observation.

"Christianity was eminently true because in an eminent way it satisfied his reason. Reason was still the judge. But a part of the proof, and, as time went on, the more convincing part came through a reasonable experience. In other words, he did not rest in an intellectual proof of Christianity. What his understanding approved, he passed on to his will; and his will translated it into obedience; and obedience brought an experience of life and light and strength and peace and joy which clothed the truth with invincible power. Baxter calls this experience the 'witness of the spirit'; and it is of this . . . of which he has most to say."²

From this doctrine of Reason which we have briefly indicated

¹Powicke, II, p. 238.

²Ibid., p. 250.

there arose three distinctive emphases in Baxter's life and witness as a Churchman and as a political theorist. These were: (i) his doctrine of Scripture, (ii) his catholic spirit and attitude in religious controversy, and (iii) his independent political opinions.

Since his doctrine of Scriptural interpretation has already been examined we need only indicate how it sprang from his belief in Reason. This belief induced him to give up the doctrine of verbal inspiration and taught him to discriminate between books and passages as not equally important for salvation. His conception of 'right reason' and 'the light of the Spirit' led him to claim that a person could be saved with little or no knowledge of the Scriptures. His willingness to learn from the whole history of mankind and not only from the history recorded in the Bible was also the result of this rational approach. Many other examples could be cited, but in spite of this new approach the Bible was still the regula fidei and its authority unquestionable. However, his faith in Reason led beyond a new method of interpretation to the conviction that by a process of rational deduction all the cardinal moral precepts of Scripture could be ascertained independently. Gordon lauds him as

. . . a pioneer in that whole class of studies whose object is to elucidate and demonstrate the reasonableness of Christianity, the precursor of Locke in this respect, as in some others. His work is to substitute the argument of evidence and experience for the argument of prescription and authority; and he sets about the collecting and weighing of evidence in a manner the most absolutely frank and candid.¹

¹Gordon, Heads of English Unitarian History, (Phillip Green, London, 1895) p. 99.

The influence of Reason on his approach and use of the Scriptures is clearly evident.

The second emphasis which arose out of his doctrine of Reason was his broadmindedness in religious controversy. This can be illustrated in various ways, one of which was his willingness to reduce the essentials of religious faith to a minimum. His reason had taught him that in the divine order, faith came before theology, and therefore all creeds were secondary to it. The Church was the household of faith, and hence, the purpose of a creedal test of admittance to the Church was not to exclude those who did not believe correctly, but rather to include all those who sincerely believed. Gordon summarizes his position conveniently in one paragraph—a position which we have stated at length above.

"Baxter maintained that 'I believe in God the Father, Son and Holy Ghost,' expresses all the essentials, if intelligently held. In matter of public profession he proposed to limit requirements to the Apostles' Creed, the Lord's Prayer, and the Decalogue. It was urged that 'A Socinian or a Papist will subscribe all this.' 'So much the better', said Baxter. He told the committee that, if they feared that Papists and Socinians would creep into the church, the right way to deal with them was not by bringing forward some new test which they would not subscribe, 'but by calling them to account, whenever in preaching or writing they contradict the truth to which they have subscribed.' In other words he proposed to rely, for the purity of the church's doctrine, upon discipline rather than upon subscription; and the best subscription was that which drew the largest number, by the act of their own voluntary adhesion, within the scope of the discipline of the church. As he puts it in 1664, 'heretics who will subscribe to the Christian faith, must not be punished because they will subscribe to no more, but because they are proved to preach or promote heresy, contrary to

the faith which they profess.¹

It can readily be seen that this generous spirit excluded practically no one. What better illustration could there be of his willingness to minimize differences and promote unity?

This catholicity of spirit found expression in his attitude to what was essential in Church government. His ideal of 'comprehensiveness' approached that of Hooker who claimed against the Puritans that there was no divinely instituted form of Church government. However, a scholar like Baxter was not content to take his stand on second-hand evidence, and his independent investigation of the New Testament had convinced him that there was evidence for a form of Church government jure divino, but only in respect of two things. The first was that the Church was universal in extent and that its only head was Jesus Christ; secondly, there was no governing authority between Him and the rule of bishop-pastors over particular congregations. Baxter's zeal for unity prevailed over any rigid insistence on even this minimum. For instance, he favoured an Episcopal form of government, but he modified this preference to justify ordination by presbyters. The very original conception of the Worcester Association of Ministers organized in 1652 illustrated Baxter's catholic spirit better than anything else. It included all the clergy of all denominations resident in the county who would subscribe to a short confession in Scripture terms, and who would agree to work together in the advancement of Christ's cause by: common methods of discipline, frequent debates and other attempts to resolve

¹Gordon, op. cit., p. 92.

their differences where possible; and by a willingness to accept the guidance of the Association whenever they saw fit to accept it. The Baxterian type of Association, a body without governing power, proved much more popular than that supported by the Parliament during the Interregnum, and it soon spread to many of the counties of England. Gordon says that he knows of "no previous precedent in England for a mixed organisation of this kind," which is a testimony not only to Baxter's originality, but to his faith in human reasonableness.¹ Summing-up, we might say that while he was not quite prepared to declare that there was no form of Church government instituted in the Scriptures, yet, in accordance with his common sense approach, he regarded the form of Church administration subservient to the true purposes of religion.

Another way in which Baxter's reasonableness and moderation found expression was in his idea of a comprehensive and all inclusive National Church. Under the king he visualized an Approved Church and Tolerated Churches which would together form the true Church of England. The Approved Church was to enjoy some sort of establishment, be the most orthodox, and was to include most of the nation. The Tolerated Churches were to have liberty to propagate their views, and to have complete freedom of worship. In this manner, Baxter provided toleration for all but the Socinians and the Papists. The Socinians were heretics in his opinion, and the "great and unreconcilable differences" which barred

¹Ibid., p. 65.

Catholics were "their Church tyranny and usurpations", "their great corruptions and abasement of God's worship", and "their befriending of ignorance and vice".¹ Here then in the idea of a National Church is further evidence of Baxter's broadmindedness.

In the third place, it is possible to see how Baxter's belief in Reason determined the independent character of his political convictions. His faith in the power of rational analysis engendered an eclectic outlook on all political theories. For example, he was able to understand the needs and interests of the several groups which shared in the sovereignty of England. In his doctrines of Sovereignty, social contract and resistance, he endeavoured: to protect the people from oppression, to provide a strong enough authority to maintain order, and also to limit the sovereign power. It was in this fashion that he was able to steer a course between the absolutism of Hobbes, the democracy of Harrington and the Levellers, and the 'servile royalism' of the High Church party. His book on politics was written to uphold theocracy, but it also defended a constitutional monarchy. He never repented of having fought on the Parliamentary side in the Civil War, but at the same time he was a royalist at heart, and welcomed the king's return in 1662. For Baxter the political problem was a permanent one--as permanent as man's sin--but he was convinced that the English solution of king, lords and commons was more satisfactory than any other.

¹Ibid., p. 93.

In religious controversy Baxter was attacked from all sides for not belonging to any party while admitting that he owed something to them all. The first sentence in the Worcester Agreement committed all who signed it to belong to no party, "nor to set up the Dictates of any as such", but rather to "Practice unanimously those known truths which the sober and godly of each Party are agreed in, as near as possibly we can".¹ So it was that 'Baxterian' came to be a term of reproach indicating a halfway -house in every controversy.² Now our investigation of Baxter's political convictions has led us to the same conclusion, namely, that it is very difficult to identify him with any one party in the political controversy of his time.³ However, his mediating position meant that he had placed himself firmly in that tradition which led to the establishment of a constitutional monarchy. To do justice to Baxter we must point out that his halfway-house-positions were never the result of indecision. On the contrary, it was his loyalty to the truth, and to reason--its interpreter--that made him a conciliator. Since one of the marks of truth is its universality, so the mark of those who seek it should be a catholic sympathy. This was the root of Baxter's witness and also the basis of its constructive and challenging features.

¹Christian Concord, Preface, n.p. Proposition No. I.

²Gordon, op. cit., p. 97.

³This conclusion will become more evident in the next chapter.

On political questions it is interesting to note the affinity which existed between Baxter and the Cambridge Platonists. Their ideas of what was essential in religion were very much the same;¹ they also favoured episcopacy in some form,² and advocated a National comprehensive Church.³ And there can be no doubt that they too had a common loyalty to government by king, lords and commons.⁴ What Tulloch says about the political convictions of the Platonists could describe those of Baxter as well.

"It was consistent in them to welcome a policy which, regulating at once the prerogative of the Crown and the immunities of the subject, and reconciling in perpetuity civil freedom with regal privilege, could enlist the spontaneous sympathies and energies of the nation in support of public order and the supremacy of the legislature."⁵

The only difference which could be pointed out would be the fact that Baxter was in the midst of the political controversy of his day,⁶ whereas the Platonists were somewhat withdrawn from current disputes and were possibly more objective. It would appear then that another of the

¹Powicke, III, pp. 40-42.

²Tulloch, op. cit., Vol. II, pp. 40 f.

³Ibid., pp. 462-465.

⁴Ibid., pp. 473-75.

⁵Ibid., p. 475.

⁶It must be remembered that although Baxter did not write on political issues per se after he withdrew the Holy Commonwealth, still he was discussing them in a secondary manner in other books. The Plea for Peace published in 1680 is a good illustration of this very thing.

via media which sprang out of Baxter's belief in Reason was his support of constitutional principles.

In concluding this section let us note in more detail the similarity between Baxter's ideas and those of the Cambridge Platonists, and trace the influence of both through John Locke into the eighteenth century. The resemblances between Baxter and the Platonists are many. They were both familiar with Plato, although it is doubtful if Baxter had read him with the same intention as had the Cambridge scholars. Both were enamoured of the new science which seemed to offer them a new basis for theism apart from the rigid scholastic system. They believed that the appeal to Nature and Reason freed the ancient truth from the stifling thought forms of centuries, and allowed it to speak with new power to convince and to persuade.¹ They were of the opinion that God's existence could be deduced from the order of nature and from man's moral sense. Reason was equated with conscience.² "The written word of God", said Whichcote, "is not the first or the only discovery of the duty of man. It doth gather and repeat and reinforce and charge upon us the scattered and neglected principles of God's creation."³ Both Willey and Powicke draw attention to the fact that the Platonists never forgot that the foundation of religious belief lay not so much in

¹Willey, op. cit., pp. 86, 119-20.

²Powicke, III, p. 47.

³Tulloch, op. cit., Vol. II, p. 100.

"evidence" as in "experience". This insight incidentally, was lost in the next generation. They were true Puritans in their belief that only the morally righteous could enjoy this experience of God.¹ We have already shown how familiar Baxter was with these ideas.² We could mention, lastly, that their ideas of the relation of reason to faith and revelation were quite similar.³

Turning our attention to Locke we notice that his argument for the existence of God as presented by Willey⁴ was almost the same as Baxter's which was summarized above.⁵ Both start from their certainty of their own existence and from the fact that man could not have made himself; then, since the qualities of a thing must be present in its cause, they posit an intelligent being having the finest attributes of man in perfection. Here we see a common desire to base religious truth upon natural evidence and rational observation. Gordon says that "Locke's Reasonableness of Christianity as delivered in the Scriptures (1695) owes more than its title to Baxter's Reasons for the Christian Religion (1667)",⁶ and this may very well be true. Both writers believed that the duties of

¹Willey, op. cit., pp. 280-281. Cf., Powicke, III, pp. 22-28, 33, 42.

²Supra., pp. 185f., 188, 212.

³Tulloch, op. cit., Vol. II, pp. 467, 470. Cf., Powicke, III, pp. 28-32.

⁴Willey, op. cit., pp. 278 f.

⁵Supra., pp. 44f.

⁶Gordon, op. cit., pp. 31 f.

natural religion were clearly within the reach of man's reason, and both believed that revelation taught certain truths which reason unaided could not achieve.¹ Locke thought it possible that eventually morality in all its parts would be discovered by natural reason and mathematically demonstrated, but in the meantime revelation was essential to give us those truths which unaided reason could not discern.² He also considered that natural religion did not have the necessary authority to prevail over the uneducated multitude, and therefore the sanction of revelation was needed to support it.³ It can readily be seen that revelation was just about to be crowded out of the picture altogether.

Both Baxter and Locke took a rationalist approach to theology, but it is plain that Baxter had a greater respect for revelation than Locke had. Baxter was certain that there were certain truths which unaided, reason would never know. Furthermore, Baxter and the Platonists could never divorce religion from experience which was what Locke did in maintaining that moral and religious truths could be supported by mathematical proofs alone.⁴ In fact, as Willey observes, the work of the Platonists (we can add Baxter), was a "contribution to religion" whereas Locke's was not.⁵ Such was the difference both in content and orientation.

¹Hunt, op. cit., Vol. II, p. 185. Cf., Willey, op. cit., P. 286.

²McLaghlan, op. cit., pp. 98 f.

³Willey, op. cit., p. 286.

⁴Willey, op. cit., p. 281.

⁵Willey, op. cit., p. 280.

Locke was as much an eclectic as Baxter. In one of his letters quoted by McLaghlan he said, "I, who seek everywhere truth alone, would with equal readiness receive it wherever found, whether among the heretics or the orthodox."¹ We have already seen how far Baxter minimized the essentials of doctrinal belief, but Locke went even further to claim that the acknowledgement of the messiahship of Jesus is the one and only necessary article of faith.² Apparently, Locke's main object in writing The Reasonableness of Christianity was "to show how few and how simple were the credal demands made upon us by Christianity, and how consonant with 'natural revelation' were its moral injunctions."³ Much of Baxter's work was directed to exactly the same end. Another similarity presents itself in Locke's conviction that there is no divinely authorized type of Church Government, and that the Church is a "free and voluntary society" whose purpose is the public worship of God, and each society can carry out this purpose in the manner that it deems acceptable to God and effectual unto salvation. Baxter moved in this direction, but never freed himself from Scripture to quite this extent. However, they both approved the exclusion of atheists and Roman Catholics from toleration. Their reasons for excluding them appear to be much the same: atheists could not be depended on to honour the

¹McLaghlan, op. cit., p. 96.

²Gordon, op. cit., p. 32.

³Willey, op. cit., p. 283.

⁴McLaghlan, op. cit., pp. 77, 81 f.

covenants and promises which were the basis of human society, and although Locke opposed Catholicism mainly on political grounds, Baxter opposed it for religious reasons as well.¹ Of course, Locke's theory of toleration went much further than Baxter's. Troeltsch points out that Locke's theory belonged to the sect type and not to Calvinism, and it developed in such a way that "his advocacy of freedom of worship also meant freedom for philosophical and theological interests and security for freedom of thought outside the churches."²

This seems to be sufficient evidence to indicate Locke's indebtedness to the Cambridge Platonists³ and to other "liberal Christians" of the seventeenth century among whom we must put Baxter.⁴

"Miss Olive M. Griffiths, in a valuable study of liberal Dissent," writes McLaghlan, "has answered the difficult question how it came about that Presbyterians, who before the ejection of 1662, 'formed the most conservative and rigidly orthodox element in the established church' became a century and a half later 'members of a dissenting body which refused to impose any test or creed, and whose only formula was a heterodox insistence upon the single personality of God and the proper humanity of Christ'.⁵

Miss Griffiths traces this change to the influence of John Locke more than anyone else. McLaghlan's survey of the evidence brings him to the

¹Ibid., pp. 71, 76, 190.

²Troeltsch, op. cit., Vol. II, p. 637.

³McLaghlan, op. cit., pp. 75, 106.

⁴Ibid., p. 184.

⁵Ibid., pp. 109 f.

conclusion that Locke was a Unitarian.¹ Most other scholars would deny this although they admit that Unitarians undoubtedly found much to please them in Locke's writings. Powicke makes a similar observation to that of Miss Griffiths', claiming that it was through Locke that the spirit of the Cambridge men spoke to the eighteenth century.²

"Nor does it seem open to doubt that his (Baxter's) mark will be found mostly on those broader minded Presbyterians--beginning, say, with Daniel Williams or even Matthew Sylvester--who, more or less unwittingly opened the way to the Arian movement which, in due course, brought forth modern Unitarianism. Baxter himself would have been the last to imagine that any aspect of his teaching could by any means, lead fairly to such an issue; but the process of transition, though not always obvious, is not very difficult to discern."³

We can now see the significance of Baxter's influence in this realm of thought.

¹Ibid., p. 107.

²Powicke, III, p. 209.

³Powicke, II, p. 233.

Chapter ii

KEY IDEAS

(a) The State of Nature and Natural Rights. The idea of a State of Nature goes back to the Stoics who saw the incongruity between their doctrine of an ideal Natural Law and the state of things in their everyday experience, and who resolved this difficulty by isolating the Golden Age from subsequent ages. In the Golden Age the Law of Nature prevailed completely, and the institutions of slavery, property, and government were not existent. Men were able to attain the perfection of freedom and equality by following their reason. Avarice, violence, and ^{bad} poor laws had produced their contemporary situation, and the responsibility of the present age was to adapt its laws and institutions as closely as possible to the Law of Nature. This distinction between the ideal situation and the present one we shall call the "absolute", and the "relative" Natural Law following Troeltsch's definition.¹

"With one accord the Christian Doctors now adopted these ideas, and combined them with their Scriptural ideas of a period of primitive perfection."² They held that man's pure nature had been vitiated by the Fall in such a way that the state of grace no longer existed and

¹Gierke, op. cit., Barker's Introduction, pp. xxxv-vii. Cf., Troeltsch, op. cit., Vol. I, pp. 152, 154.

²Troeltsch, op. cit., p. 152.

that Original Sin was responsible for social institutions. In the primitive state there was no dominium of the male over the female, governments over subjects, of owners over property, or of masters over slaves, but after sin entered the world all of these became part of the social order. But if the Church was to exist in the world some resolution of the absolute opposition between the original state and the present one had to be found and so the church concluded that "the element of Natural Law in the present order is not merely the effect of a Reason whose clarity has been dimmed, but it is the transformation of the Law of Nature, which, according to the Divine Will, took place after the Fall."¹ The consequence of this was to make the institutions of society "at once a result of sin and a remedy for sin."² The pax terrena was assured by a relative Natural law which stood half way between the absolute Law of Nature and the positive laws of society. This doctrine continued to survive in the Catholic Church, and was still commonly held not only in the Middle Ages but in the sixteenth century.³

Like the Fathers Baxter maintained that the period before the Fall was one in which man was innocent and able to obey God directly.⁴ He believed that love prevailed over all the relationships between men,

¹Ibid., p. 153.

²Loc. cit.,

³Gierke, op. cit., pp. xxxviif.

⁴Holy Commonwealth, pp. 200-202.

and that there was no compulsion or violence.¹ This period of wholehearted subjection to God ended with the Fall, and Satan was responsible for this calamity. For he incited man, "the weakest link in the chain" remarked Baxter, to become as God by disobeying God, "a foolish means to an impossible and impious end."² The Fall was a universal catastrophe and had introduced disorder and confusion. Ever since that time government had to rely on force, law and punitive measures to maintain the minimum of obedience to God and to make social life possible. The trouble was not ended, lamented Baxter, for

"The sin that broak Order, is still at work to widen the breach. He that is a subject, would fain be in Authority; and he that is of a lower rank, is ambitious to be higher: and he that is in Sovereign Power with just limitations, doth hate restraint, and take it for imprisonment or subjection; and striveth till he hath broak all bonds, and hath no guide but his own understanding, and nothing to moderate his impotent will."³

He did not describe the State of Nature in any further detail, but it is clear that he adhered quite closely to the basic idea of the Patristic writers with two exceptions to which we shall turn in a moment.

Carlyle points out that St. Thomas Aquinas did not directly contradict these conceptions of the Fathers, but that under the influence of Aristotle he "very carefully and clearly set out a conception of human society and its institutions which is fundamentally different."⁴

¹Plea for Peace, pp. 126 ff.

²Holy Commonwealth, p. 201.

³Ibid., pp. 201 f.

⁴Carlyle, op. cit., Vol. V, p. 10.

Accepting Carlyle's distinction between "conventional" and "natural" institutions,¹ we can see that St. Thomas considered the State to be one of the latter type. It arose, not out of man's sin, but out of his moral and physical characteristics as a human being.² St. Augustine had said that in the state of innocence men were not under obedience to any other man. St. Thomas agreed that there was not any dominium of master over slave, but he believed that there was a rule of one man over other free men. He justified this by claiming firstly, that man was naturally a social animal, but social life was impossible unless there was some ruling authority to direct it to the common good; secondly, he assumed that because there was an inequality in the natural capacities of men even in the State of Nature, the man who was superior must have used it to the benefit of all.³

Regarding the institution of private property,⁴ the Fathers had claimed that it was the result of avarice and a departure from God's intention: the world was intended to be the common possession of all men. However St. Thomas drew a distinction. He thought that the right to acquire property and exchange it was lawful, and that it contributed

¹"Conventional" or "artificial" means an institution created by rational men deliberately, and "natural" means an institution which is a natural expression and outgrowth of human characteristics as God has made him.

²Carlyle, op. cit., Vol. V, pp. 12, 442.

³Ibid., pp. 11 f.

⁴Ibid., pp. 17-20.

to the stability of society. On the other hand, St. Thomas thought that the Law of Nature demanded that material wealth be used for the common good. Private property was not contrary to the Law of Nature; it was added to it by human agreement and reason. If a man was very rich, the Law of Nature demanded that he should distribute this superfluity among the poor. To take another man's property to gain the necessities of life was not theft, for the Law of Nature demanded that some men should not go hungry because of other men's greed. In summary, we may say that St. Thomas did not claim that property was a natural institution, nor would he admit that it was the consequence of sin. It was "conventional", that is created by human reason for worthy ends; but also it was

limited by the principle of the natural law that material things were intended by God to meet the needs of men, and therefore he understands the right of private property to be the right to acquire and to control the destination of material things, but not an unlimited right to use them for one's own convenience."²

With regard to slavery Carlyle says it is difficult to know St. Thomas's final conviction.³ Sometimes he followed Aristotle with the idea that there were some men destined to be servants, and other men destined to be served. This made slavery, like property, an addition to the Law of Nature. At other times he spoke as if slavery could not have

¹Ibid., p. 20.

²Loc. cit.

³Ibid., pp. 21-24.

existed in the State of Nature. It would seem that he accepted slavery as the fruit of sin and the Fall: that is that it was a part of the inherited inequality between the various "callings".¹ Perhaps Troeltsch sums up the attitude of Aquinas toward social institutions best when he remarks:

Thus, in spite of the doctrine of original sin, there is a very strong impression that all secular, social institutions are, or may become, rational, and above all, that in both, the Divine and Christian elements in these institutions can be plainly discerned.²

Before returning to compare Baxter's ideas with those of St. Thomas let us consider the manner in which Calvin treated these same institutions. We quote Troeltsch.

The State . . . is never regarded as a mere antidote to the fallen State and a penalty for evil, but it is always chiefly regarded as a good and holy institution, appointed by God Himself. Nor is there ever any suggestion that the original communism of love had been modified and transformed into the institution of private property; private property likewise seems to be a directly Divine institution.³

Between the ideas of equality and inequality Calvin took a definite stand. His position was

. . . based on the statement that equality and inequality are nothing in themselves, and that their only value consists in the varying relations of men to one another. In the presence of God all men are equal, for in his sight all men are sinners, and all are equally bound to obey Him. On the other hand, in relation to each other they are unequal, for the

¹Troeltsch, op. cit., Vol. I, pp. 293-96.

²Ibid., p. 261.

³Troeltsch, op. cit., Vol. II; p. 613. Cf., p. 898.

Divine Ruler of the world has ordained that some should serve, and some should rule, as part of the essence of human life, and not as a result of the Fall.¹

With this brief summary of Calvin's and St. Thomas' position, we are now ready to observe Baxter's debt to both.

It is interesting to note that Baxter deviated from the State of Nature as depicted by the Fathers in the same direction as St. Thomas and Calvin. In the first place, he deliberately discovered the origin of government in the nature of man as he existed in the age of innocence.

"At his first Creation," he wrote, "man was subjected to none but God: though it was provided in Nature, that there should have been Government and Subjection though man had continued innocent; but that would have been only a Paternal assisting Government for our good, having nothing in it that is penal, or in any way evil."²

In taking this position he echoed Calvin, and gives government a sanctity and a positive authority which he thought it would not have otherwise. He made it a "natural" institution whose most disagreeable features were the direct result of the Fall and human sin.

He also differed from the Fathers of the Church in the theory of property, and once again one can see his debt to both Aquinas and Calvin. The Fathers, it will be remembered, considered private property to be an institution of the relative Natural Law, or a compromise with the world and with sin.³ To Baxter, however, the Law of Nature and a

¹Ibid., p. 620.

²Holy Commonwealth, p. 200.

³Troeltsch, op. cit., Vol. I, pp. 152 ff.

beneficent Providence had given to every man a propriety or dominium over his own person and over his own goods from the very beginning. The key to his conception was in the word "propriety."¹ The primary propriety, in his opinion, consisted in the personal right or ownership which a man had over his life, his family, his honour and his liberty; and the second propriety was over the "just acquisitions of his industry."² The Law of Nature and God's will had secured this "Right" from the very beginning.³ It was the peculiar possession of every creature made in God's image, and indeed to rob him of this propriety was to make and treat a man as if he were less than God's creature. Propriety existed before government, and therefore, one of the ends of government was to protect, and guarantee it. The implications of this theory are readily seen: here is the root of the idea of inalienable natural rights. It exalted human reason, and goodness in the individual; it sanctified the institution of private property and hallowed the acquisition of wealth itself. Property thus became not only a "natural" institution but a divinely ordained one.

Regarding the equality of men Baxter was loyal to the idea of the Patristic writers when he claimed that servitude is the fruit of sin and did not exist in the State of Nature. But while they tended to accept inequality as the relative Natural Law, Baxter was not satisfied

¹Holy Commonwealth, pp. 69, 113 ff. Cf., Plea for Peace, pp. 54 ff.

²Plea for Peace, p. 54.

³Holy Commonwealth, p. 69.

the personal loyalty and devotion of a vassal to his lord, and secondly, the contractual nature of the relationship which involved mutual and fixed obligations.¹ These obligations were largely inherited from previous generations, but Baxter visualized free and independent men bargaining with each other. Once the terms of the contract were agreed and the respective duties of the ruled and the ruler entered upon, the obligations of both were permanent. Baxter did not explicitly declare it, but he tended to reject the accepted practice of inheriting social status. The contractual nature of all social relationships was his dominant idea, and accordingly there was always the possibility of breaking out of the relationship if the contract were broken. At the same time, Baxter's conservatism helped him to accept the natural inequalities of men--some were obviously intended to be rulers and others to be ruled; and so he felt that once the contract was signed, he could preach the ancient sanctities of the high calling of servitude and lordship under God.

It can be clearly seen how close Baxter's idea resembled that of Locke on the question of slavery.² They both believed that the Law of Nature did not allow any man the right to take his own life and so no person could give to another individual absolute power over his own life. Since God gave us life; how could a person give to another that which he

¹Carlyle, op. cit., Vol. III, p. 21. Vol. V, p. 99

²John Locke, The Second Treatise of Civil Government and a Letter Concerning Toleration, (Basil Blackwell, Oxford, 1946). Section 22-24, 172, pp. 13 f., 86.

with such an easy solution. He claimed that a free man should avoid servitude at all costs.

But servitude is a penal fruit of sin: and no man is to choose a punishment to himself that may well avoid it: He that may be free, should keep his freedom. So that the Relation of a servant is such, that a man may avoid if he can and will, and when he is necessitated to submit to it, he may limit his Master in the governing of him as far as he can and will in the matter of servitude.¹

His convictions about an "inalienable propriety" enabled him to declare that God intended no man to have absolute power over another. That would rob the lesser man of his distinctive human attributes, his right to dignity and freedom. However, he saw the inevitability of inequality in the relations of men with men, and accepted it as part of God's ordering of society since the Fall. But even in this context he broke free from the rigid acceptance of "calling" which was typical of the society of the Middle Ages and which was reflected in St. Thomas' doctrine of the "Cosmos of Callings".² Baxter wrote,

Every man having a certain Power of himself and his own Labours, may alienate what he hath to another, and so by Contract sell his labour to his Master . . . A servant is considered partly as one obliged to work for another; and partly as the inferior or subject in a Family to be Governed by another in order to the ends of Family Government, which is the good order of the Family, for it's own, and especially the Governors welfare, and the pleasing of God that hath appointed that Order.³

One can see here a reflection of the two great principles of feudalism;

¹Ibid., p. 192.

²Troeltsch, op. cit., Vol. I, p. 293-96.

³Holy Commonwealth, p. 192 f.

did not possess. But most significant was their common belief that the contract had ended slavery. In the case of a lawful conqueror and a captive, Lockewrote:

For if once compact enter between them, and make an agreement for a limited power on the one side and obedience on the other the state of war and slavery ceases as long as the compact endures.¹

Baxter had said the same thing before him.

The next development we meet in the idea of the State of Nature is that of identifying the natural with the primitive, and eventually the idealization of the primitive. The primitive was thought to be prior to recorded history, and yet determining subsequent history. Both Hobbes and Locke made use of this hypothetical State of Nature and based their political philosophies upon certain alleged characteristics of that State. Their descriptions of this State had no basis whatever in historical fact, but that did not affect the argument. Hobbes' idea of the State of Nature is well known to all acquainted with political theory, so it is not necessary to go into the psychology upon which it was based. Briefly, he maintained that the primitive state was one of unending war and strife between men, each of whom had the right by the Natural Law of self-preservation to use every power at his disposal for this purpose. This state of universal competition was made all the more

¹Ibid., Sect. 24, p. 14.

²T. Hobbes, Leviathan, (Basil Blackwell, Oxford, n.d.). Edited with an Introduction by M. Oakshott. Pt. I., Chapter ii, p. 64. Cf., Ibid., Chapter xiv, p. 84.

bitter precisely because "Nature hath made men so equal."¹ Hobbes also claimed that in this state of war "The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: Where no law, no injustice."² In other words, he was saying that without a central power to enforce it, there was no law, not even the Law of Nature. As long as the state of anarchy existed there could be no settled industry, science, arts or letters, and the life of man was "solitary, poor, nasty, brutish and short."³ To Hobbes justice and morality had no existence apart from the coercive authority of the state. He contradicted Aristotle, Grotius, and Hooker, that man was "naturally a political animal," that men desired group life, and that any group had in it the rudiments of social organization.

Spinoza's work on Politics was well known to Baxter. Spinoza said that his aim in writing was to recall the science of politics from abstract speculation to reality; "to clear the ground of the utopian dreams with which the philosophers had cumbered it, and once more to base it upon the facts of human nature as experience shows them actually to be."⁴ His theory of the State of Nature was very similar to that of Hobbes.⁵ He held that men were creatures of passion as much as

¹Ibid., Chapter xiii, p. 80.

²Ibid., Chapter xiii, p. 83.

³Ibid., Chapter xiii, p. 82.

⁴C. E. Vaughan, Studies in the History of Political Philosophy, (Manchester University Press, 1925) Vol. I, p. 63.

⁵F. Pollock, Spinoza, His Life and Philosophy, (Kegan Paul and Co., London, 1880) pp. 260-62, 324-28.

of reason, and that if men were left to themselves in the State of Nature, war would result. Natural right was whatever a man following his own desires had the power to do. Like Hobbes he maintained that what was just and what was unjust depended solely upon the establishment of the State. It would then have the consent and the power to decree what was good or bad, and compel obedience.¹

Oakeshott notes that the seventeenth century "excused in Spinoza what it condemned in Hobbes",² but Baxter had read more thoroughly than that, and was not part of that general trend. He was merciless in the invective which he heaped upon both. He calls Spinoza an "Infidel" and an "apostate Jew", and Hobbes an "irreligious author"³ whose writings were full of "Brutism, Atheism, Infidelity and self-contradiction."⁴ He objected violently to their doctrine of Natural Right based on the State of Nature. "No man," he said, "hath naturally a right to another man's, nor to any more than God giveth him by nature or just acquisition".⁵ The idea that justice is determined by convention was anathema to Baxter. "Mans Laws could make no duty or sin but as empowered by God's Law . . . to rob, kill, slander, fornicate etc. is a sin, whether we under contracts or mens laws or not." In marked

¹Ibid., p. 261.

²Hobbes, op. cit., Introduction p. 11.

³Holy Commonwealth, p. 225.

⁴Plea for Peace, p. 126.

⁵Ibid., p. 127.

⁶Ibid., pp. 126 f.

contrast to both writers, Baxter declared:

Mans natural state is a state of due subjections to God as universal King :

.....
 God binding all men to Love him above all and our neighbours as ourselves, we are so far from being born to a Common War, that nature uncorrupt and repaired is a State of Love, and nature corrupt reprived and under Common grace, is sociable, and hath some natural Love to others, yea to mankind; and as beasts love the company of their like, so do men; and all good men love the good. And all are obliged by the Laws of Love, to love others, and do all the good they can.¹

Sometimes one gets the impression that Baxter could not be bothered to read Hobbes or Spinoza any farther than their definition of the origin of government. This is not true of course, but it is suggested in the fact that his attacks were almost entirely directed at what he considered their false ideas of Natural Law, man's true nature, and the origin of government.² Sometimes it would appear that Baxter had fallen into the error of other unscrupulous controversialists who claimed the ideal of Hobbes and Spinoza was a state of anarchy. It is perhaps understandable when we realize that Baxter could not appreciate the new approach which these men were making. When Baxter realized that they had abandoned the A priori approach to political theory, and that they appealed not to a divine purpose at all but to the sanction of utility, he saw heresy.³ This explained his violent reaction.

¹Ibid., p. 126 f.

²Ibid., pp. 1-20, 111-16, on Spinoza; pp. 123-132 on Hobbes.

³John Bowle, Western Political Thought, (J. Cape, London, 1947), p. 316.

Let us now compare Baxter's ideas with those of Hooker and Locke.¹ To Hooker¹ Natural Law pervaded the State of Nature and ruled men before they ever formed political societies. He believed that man was inherently sociable, and so the solitary creature in the State of Nature looked for the riches which social life and fellowship could give him. However, before the "regiment" of social life was established, iniquity and disorder were great, and so he thought of government partly as a blessing and partly as a remedy for sin. Carlyle summarizes his position in this fashion:

Hooker's statement has a little of Cicero's conception of the naturally sociable disposition of men, something also of Aristotle, that the state is necessary for the good life, but also very clearly it represents the Stoic and Patristic tradition of the coercive State as the necessary remedy for the Fall; and it is interesting to observe that Hooker thinks of the period between the Fall and the Flood as illustrating the lamentable disorder which followed from the absence of this.²

In Locke's State of Nature all men had perfect equality and freedom "to order their actions and dispose of their possessions and persons as they think fit within the bounds of the law of nature."³ However, it was not a "state of Licence" in which men might overpower each other, for

The state of nature has a law of nature to govern it, which obliges every one; and reason, which is that law, teaches all

¹Hooker, Ecclesiastical Polity, Bk. 1., Chapter x., Section 1, 3, pp. 187 f., 190.

²Carlyle, op. cit., Vol. VI, p. 353.

³Locke, op. cit., Chapter ii, Section 4, p. 4.

mankind that will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty or possessions.¹

Under God "every one has the executive power of the law of nature."² Where this power was in the hands of individuals, violent emotions would carry men "too far in punishing others; and hence nothing but confusion and disorder will follow."³ This disorder might actually deteriorate into war, and so, like the Stoics and the Fathers, Locke believed that necessity compelled men to form a society with a coercive authority in it.⁴ In addition to this, he believed that God did not intend man to be alone, but has "put him under strong obligations of necessity, convenience, and inclination, to drive him into society, as well as fitted him with understanding and language to continue and enjoy it."⁵ The rights which belonged to a man in the State of Nature were "life, liberty, and possessions," and he believed that the State existed to procure, preserve, and advance these "civil interests."⁶

It can readily be seen from what has been stated of Baxter's ideas of the natural state and of "propriety" that he had much in common with Hooker and Locke and what is called the Whig tradition.

¹Ibid., Chapter ii, Section 6, p. 5.

²Ibid., Chapter ii, Section 13, p. 8.

³Ibid., Chapter ii, Section 13, p. 8.

⁴Ibid., Chapter iii, Section 19, p. 11.

⁵Ibid., Chapter vii, Section 77, p. 39.

⁶Ibid., Concerning Toleration, p. 126.

For instance, Baxter agreed that in the State of Nature men had rights which were not conferred by any government. As in the Whig tradition, he took a more favourable view of man's nature than Hobbes did; he made man a social creature by nature, and he shared the view that there was a moral order not created by men to which men and nations were obliged to conform. One of the differences between Baxter and Locke was the former's insistence that government was a divine institution, whereas Locke considered it a utilitarian one of man's own making. Baxter said that God alone could determine what was the common good; Locke said that if government served the common good it must be doing God's will. One thinker insisted that our thinking must start with God; the other that it should start with men. History can tell us how deep this cleavage was, and yet both thinkers were using the same terminology and made the same reference to Scripture.

There was a great similarity in their doctrine of natural rights. Laski remarks that Locke's doctrine was the same as that of the Independents in the Puritan Revolution.¹ We can add that it was the same as that of Baxter, although Baxter would not want to be associated with them. Locke and Baxter used identical arguments to show that the right to live was one of the natural proprieties, and they shared a deep faith in man's reason which they believed entitled him to the other personal freedoms.

¹H. J. Laski, Political Thought in England, Locke to Bentham, (Oxford University Press, 1948) p. 30.

In contrast to Hobbes, they both insisted that a man had a "propriety" over his own person and goods, which had to be respected by other citizens, and even by the sovereign.¹ It is evident that both were drawing on the same medieval tradition which had come to them through Hooker.

Concerning the right to property, they found its origin in the State of Nature, and valued it very highly. Furthermore, they both agreed on the natural right of inheritance.² We think that in Baxter can be found one of the sources of Locke's labour theory of property, which eventually became the "parent of modern socialism."³ This is evident in Baxter's frequent references to a man's right to the "just acquisitions of his own industry,"⁴ and in the connection that he made between the virtue of hard work, and the high responsibility which the rich had to God and the common good.⁵ It is well illustrated in the following passage from the Directory.

Though it is said, Proverbs: 23-4, Labour not to be rich: the meaning is, that you make not riches your chief end; Riches for our fleshly ends must not ultimately be intended or sought. But in subordination to higher ends they may: That is, you may labour in that manner as tendeth most to your success and lawful gain: You are bound to improve all your Masters Talents: But then your end must be, that you may be the better provided

¹Hobbes, op. cit., Pt. II, Chapter xxix, p. 213.

²Locke, op. cit., Section 190, p. 94. Cf., Plea for Peace, p. 54.

³Laski, op. cit., p. 31.

⁴Plea for Peace, p. 54.

⁵Directory, Pt. I, Chapter x, pp. 376-79. Pt. II, Chapter xxviii, Dir. 11, 12, pp. 129-31.

to do God service, and may do the more good with what you have . . . You may labour to be rich for God, though not for the flesh and sin . . . If God shew you a way in which you may lawfully get more than in another way, (without wrong to your soul, or to any other) if you refuse this, and choose the less gainful way, you cross one of the ends of your Calling, and you refuse to be God's Steward, and to accept his gifts, and use them for him when he requireth it.¹

They both assumed that there were limits to the amount of property which a man might possess, but neither one defined them clearly. Locke said "Right and conveniency went together; for as a man had a right to all that he could employ his labour upon, so he had no temptation to labour for more than he could make use of."² This applied very well to perishable property, but not to the hoarding of money, for here a new problem in limitation was created.³ Baxter's limit was what one can use in the service of God and his brethren. It is quite evident that their favourable view of human nature led them to underestimate the power of the sin of covetousness. However, in summary, they both gave their blessing to hard work, to a man's right to possess the produce of his labour, and to the idea that one could serve the common good by serving himself.

¹Directory, Pt. I, Section 24, p. 378.

²Locke, op. cit., Chapter v, Section 51, p. 26.

³Ibid., Section 45-51, pp. 24-26.

(b) The Source and Nature of Sovereign Authority. Like all the theocratic thinking in the Middle Ages Baxter assumed that sovereignty in the State must reflect the character and expression of divine sovereignty in the world. Since God is the omnipotent creator and sustainer of the universe and of human societies, it follows that governmental authority is derived from God alone. Government is divine and must be used in accordance with God's law in nature and Scripture. Since God is supreme legislator, ultimate judge, and omnipotent, so sovereignty in the State must contain within itself the supreme legislative power, the highest court of judgement, and the greatest concentration of strength in the commonwealth.

Baxter believed that the sovereign power must be absolute in the sense that it was the highest and ultimate authority in the State. It was not an arbitrary power for he thought of it being subject to Divine and Natural Law, and to contractual obligations. Nevertheless, it had unlimited law-making ability, and its law was comparable to a command implying the authority to compel obedience.

Baxter also made the authority of this sovereign within the State universally binding. The laws it promulgated were applicable to all including the king and the legislators themselves. But perhaps most surprising is his departure from Calvinist and Thomist doctrine to assert the supremacy of the State over all associations within it including the Church.

Baxter reinforced this doctrine of sovereignty with the idea of "honour" and "prerogative." Taking an authoritarian view of the

world, he considered the holder of sovereign power as God's officer to carry out God's will for the people. He was to enjoy the "eminency of honour" in the commonwealth. Baxter believed that this respect would promote obedience and reinforce the idea of trusteeship. Concerning prerogative he believed that the highest executive authority must have freedom to act over and above positive laws and contracts for the common good. It was a form of arbitrary power, but it was not dangerous for it could only be exercised within Natural Law and for the good of all. He had in mind the granting of privileges, the making of peers and judges, the calling of parliament, the declaring of war, etcetera. He was thinking of the political situation in England.

We believe that we can trace this doctrine of sovereignty to both Hooker and Bodin. Bowle points out that by the middle of the seventeenth century Bodin's ideas had been assimilated,¹ and we know that Baxter had read and discussed him. Furthermore, Baxter used the term "Majestas," and he thought of law in terms of command as Bodin did.² Shirley's study leads him to the conclusion that Hooker and Bodin had more similarities than is often assumed.³ Hooker defended the Tudor supremacy as he knew it, and in the last analysis, Shirley concludes, there was not much difference between

¹Bowle, Hobbes and His Critics. (Jonathan Cape, London, 1951). p.91.

²Carlyle, Vol. VI, pp. 418 f.

³Shirley, op. cit., p. 194.

the Tudor king and Bodin's king.

Hooker's King is fully King, and though ordinarily he will legislate by means of Parliament, yet his veto or approval is, as Hooker confesses, the ultimate essence of a law.¹

Shirley also indicates that Hooker upheld the personal supremacy of the monarch in Church and State, and in so doing, upheld the "omnicompetence of the central government."²

Faced with the divine right aspirations of certain Churches, and remembering the confusions of the civil war, Baxter agreed with Bodin and Hooker in the need for a supreme authority which would possess the plenitudo potestatis in the State. With Lawson³ and Locke,⁴ he felt that this authority must be absolute and even legibus soluta, but they all were agreed that this did not mean irresponsible government. Baxter insisted that after sovereignty had been shared by the making of a contract, the king was bound to it, and as a person was subject to all positive law. He made the same medieval distinction as Lawson and others did between 'regal' and 'despotic' power: the former was established by consent over free men, and the latter was imposed on slaves.⁵ Baxter concluded that the union of king and parliament was the country's hope.⁶

¹Ibid., p. 194.

²Ibid., p. 133.

³J.W. Gough, John Locke's Political Philosophy. (Clarendon Press, Oxford, 1950), p. 110.

⁴Locke, op. cit., Sec. 139, p. 70. Cf., Gough, op. cit., p. 114.

⁵Bowle, op. cit., p. 96.

⁶Plea for Peace, Preface, n.p.

The word 'sovereignty' was not used in Locke's writings but his use of the term 'supreme Power' conveyed much the same meaning.¹ To him the king, as the head of the executive and responsible to the legislature, was supreme sovereign; the legislature was the legal, and the people the political sovereign. Locke's doctrine of prerogative was very similar to Baxter's as we can see in the following sentences:

"This power," wrote Locke, "to act according to discretion for the public good, without the prescription of the law, and sometimes even against it, is that which is called prerogative."²

"...prerogative can be nothing but the people's permitting their rulers to do several things of their own free choice where the law was silent, and sometime, too, against the direct letter of the law, for the public good, and their acquiescing in it when so done; for a good prince...cannot have too much prerogative, that is, power to do good..."³

Here is evidence of their common belief in the right of the supreme executive authority to have freedom of action within its trust. We have already pointed out their common belief in the comprehensive character of government.

Baxter also believed that sovereignty was permanent, and that the dissolution of government did not mean the dissolution of society. Like Lawson and Hunton he separated society and government,⁴

¹Gough, op. cit., pp. 114 f.

²Locke, op. cit., Sec. 160, p. 80.

³Ibid., Sec. 164, p. 82.

⁴Bowle, op. cit., pp. 90 f, 104, 108.

and therefore was able to say that in case of the ruler's death, the 'office' of government was still there and the constitution was unchanged. He believed that the contracts of one generation bound the next. The constitution could only be changed by mutual agreement between the sharers in sovereignty. Sovereignty was permanent: it rested in God and the God-ordained functions of rule and subjection.

One can find evidence to show that he believed in both the separation of powers and the indivisibility of sovereignty. Theocratic government demanded a strong and indivisible central authority, but he also believed that "mixed government" was the best way to limit and control abuse of power. Like Bodin he saw the necessity for an indivisible sovereignty, but at the same time he thought the English constitution admirable. Lawson had solved the problem by placing the undivided sovereignty in the people, and then dividing the administration into legislative, judicial and executive powers.¹ In a similar fashion, Baxter placed the sovereignty in God, and divided the administrative powers. Ultimately, they both implied that the king-in-parliament was the sovereign indivisible authority as long as there was agreement between them.

The similarities between Locke and Baxter have already been indicated. One can safely say that the supremacy of the legislative

¹Ibid., pp. 90 f.

power was being established in the seventeenth century, and found its boldest formulation in the writings of Locke at the end of the period. While there appears to be much in common between them in the idea of the executive "vested in a single person, who has also a share in the legislative,"¹ Baxter was still clinging to the medieval distinction between gubernaculum and jurisdictio.² This was a difference between the actual administration of the kingdom (the former), and the restraint which law and custom imposed upon the king (the latter). In Baxter's mind the function of parliament was mainly negative: to be a check on absolutism and to safeguard the people's rights. Nevertheless we find him talking about the parliament sharing in sovereignty through contract.

On the dissolution of government we discover many agreements with Locke. They both asserted their belief that society is not threatened when government breaks down. Baxter claimed that subjects were duty bound to God to erect a new government, whereas Locke stated that they owed it to themselves and their own preservation.³ Locke found the causes for dissolution in any change in the legislative authority as defined by the constitution.⁴ He listed the following:⁵

¹Locke, op. cit., Section 151, p. 75.

²Gough, op. cit., p. 107.

³Locke, op. cit., Section 220, p. 107.

⁴Ibid., Section 212, p. 104.

⁵Ibid., Section 214-221, pp. 105-107.

when the king uses arbitrary power; when he interferes with the proper functioning of the legislature; when he interferes with the system of election; when the people are subjected to a foreign power; and, lastly, when any sharer in the constitution betrays its trust. Baxter agreed with Locke that the greatest threat to the constitution lay in the abuse of power by the king, and they both agreed that once there has been a breach of trust, government is dissolved. They also believed that changes in the constitution could be made as often as desired, if consent was obtained from each group participating in the legislative authority.

(c) Contract, Law and Trusteeship. The fear of arbitrary power provoked Baxter, as it did Hunton, Lawson and others, to uphold the principles of constitutional government. There was to be an absolute sovereign authority but only if it were based on consent; only then could a subject's obedience be compelled. This idea of "consent" had been for centuries a loose description for representative or constitutional government. It was usually expressed in terms of a contract between the ruler and the ruled, and had been inherited from the Middle Ages. Let us briefly indicate its development.

Consent was involved in the mechanism by which the feudal lord gained the right to tax property owners. This mechanism took the form of a contract and Carlyle observes that "the conception of a mutual agreement between the ruler and the subjects...was the foundation of all feudal relations, and was emphatically stated by the feudal jurists."¹ From early medieval times we find it embodied in the Coronation Oaths which were taken by the king at his accession.² At the end of the Middle Ages St. Thomas espoused the general principle that "the authority of the king should be so tempered that he could not easily abuse it," and his own preference was for a constitutional monarchy.³ The advantage of a mixed government was that it might

¹Carlyle, op. cit., Vol. IV, p. 472.

²Carlyle, op. cit., Vol. III, pp. 39 f.

³Carlyle, op. cit., Vol. V, pp. 472 f.

preserve the best in monarchy, aristocracy and democracy. "His conception of a good constitution," writes Carlyle, "is that of a monarchy limited by the authority of an aristocracy elected by and representative of the community."¹

The Conciliar Movement was concerned with the nature of sovereignty in the Church. In a time of papal schism it endeavoured to reform the Church by means of universal representative councils. These councils upheld the constitutional ideas that power was a trust and that only its proper use could justify its exercise, and that government was in the last analysis built on the consent of the governed.² Figgis declares vividly that:

Probably the most revolutionary official document in the history of the world is the decree of the Council of Constance asserting its superiority to the Pope, and striving to turn into a tepid constitutionalism the Divine authority of a thousand years.³

This powerful statement of the idea that government was limited led directly to the Vindiciae Contra Tyrannos published by a Huguenot writer about a century and half later. The same constitutional principles were asserted with fresh vigour, but the idea of the contract which was to express consent was greatly developed. The Vindiciae postulated two contracts, one complying with

¹Carlyle, op. cit., Vol. V, p. 97.

²H. Laski, Cambridge Medieval History, Vol. VIII, p. 638.

³From Gerson to Grotius, p. 41.

⁴E. Barker, Church, State and Study, (Methuen and Co., London, 1930), pp. 86 ff. Cf. Carlyle, op. cit., Vol. VI, pp. 388 f.

the idea of the nation as a people of God, and the other treating the nation as a political society. The first contract had to do with the maintenance of the true religion, and was made between God and the people with the king as a partner to it. God promised protection and the people promised to remain a people of God, while the king had responsibilities to both for the achievement of the same purpose. The second contract was between the people as a political group and the king. It too was based on the Old Testament. It implied that the king would rule under certain conditions and the people would consent to that rule and promise obedience as long as he fulfilled his obligations. The old idea that civil rights existed only through the royal generosity and could be withdrawn at any time was surpassed in this idea of contract. Figgis points out¹ that this theory gave civil rights just as firm a place in the constitution as the prerogatives of the king. We also find a distinction drawn between the ruling power which is assumed to come from God alone, and the assent of the community which gives kings authority over them. The *Vindiciae* speaks of God 'instituting' kings, and the people 'constituting' them.²

Hooker made a clear restatement of this medieval tradition which included the basic principles: the supremacy of law, the idea of contract, and the place of representative institutions.³ The King's

¹From Gerson to Grotius, p. 176.

²Carlyle, op. cit., Vol. VI, p. 367.

³Carlyle, op. cit., Vol. VI, p. 351.

authority, he wrote, was "a power which the whole body of this realm being naturally possessed with, hath by free and deliberate assent derived unto him that ruleth over them."¹ The 'compact,' as he called it,² made it clear that the king was obliged to rule within its terms and according to the customs of the land. Although this compact may have had only formal reality when society first needed government in primitive times, still, all government rests on consent, and the king holds his power only in trust. If he fails his trust, power returns to the people who may confer it upon another. "The axioms of our regal government are these:" wrote Hooker, "'Lex facit regem,' ... 'rex nihil potest, nisi quod jure potest.'"³

In Baxter's thinking God had ordained that there be government in every society, but the Almighty had left the type of constitution to human choice. In this conclusion he agreed with Hooker,⁴ and Locke took much the same position after him. Locke stated that the type would be decided by the group which held the supreme legislative power.⁵ However, all three writers were Englishmen, and all agreed that government by 'King, Lords and Commons'

¹Ecclesiastical Polity, Book VIII, Chapter vi, Par. II.

²Carlyle, op. cit., Vol. VI, p. 393.

³Ecclesiastical Polity, Book VIII, Chapter ii, Par. 13.

⁴Ibid., Book I, Section x, Par. 5.

⁵Locke, op. cit., Section 132, p. 65.

was most satisfactory.

According to Baxter, Government was constituted by the action of two agents who were entrusted by God with the authority to draw up a contract with each other. The contract was between the king and the people, the parliament being the negotiator for the people. The king had a positive role to fulfill under God, and the people a negative one. The latter were God's instruments for the limitation of sovereign power, and the former was the agent of God's will for the nation. Baxter did not mention two contracts as did the Vindiciae, but he implied that God is the third party to the contract, and its terms must comply with God's will for both parties. Following the Vindiciae, he preserved the rights of individual citizens in the terms of the contract. When the king entered into contract with his people, Baxter believed that he surrendered some of his sovereignty by an act of grace. The king-in-parliament became the sovereign legislative power in the State, but the source of sovereignty was in the king and not in the people. He followed medieval theory in making the sovereign power a party to the contract, whereas Hobbes and Locke made the sovereign power a result of the contract. The time when the contract was publicly and solemnly undertaken was at the coronation of the king with the parliament acting on behalf of the people. He insisted that no contract was valid unless it was freely entered into, and in this point he agreed with Hooker and Locke.¹

¹Laski, op. cit., pp. 32 f.

Locke's political theory contained a "social contract" which originated in the State of Nature. He could not find much evidence for it, but he was confident that such a contract was historical.¹ In this theory, every individual surrendered his right to execute the Law of Nature to the community as a whole. The community then had the power to set up a government which would have authority to enforce the Law of Nature and to guarantee the private rights of life, liberty and property. The establishment of the sovereign legislature power and the executive machinery came after the inauguration of the State.²

It is plain to see that Baxter was not interested in an historical or expository device which would explain how it was that sovereignty rested in the community. In the first place, Baxter was content to accept God's revelation and the counsel of his own reason that men were intended to live in societies and to have governments, and in the second place he could not accept the doctrine that sovereignty rested in the community. Against both Hobbes and Locke and the social contract idea, Baxter maintained that political power was of a different species entirely from that bestowed by an aggregate of individual citizens.

¹Gough, op. cit., pp. 29 f.

²Ibid., pp. 121 f.

The Natural Power of Individual Persons over themselves is tota specie different from this Political or Civil Power. And it is not the Individual's resignation of this Natural Power of Self-disposal, unto one or more, which is the efficient Cause of Sovereignty or Civil Power.¹

Government is not formed by the surrender of individual rights but rather has an existence and a purpose independent of the people and yet directed toward their welfare. Baxter's contract was a contract of government between king and people. While he could not accept popular sovereignty, he nevertheless believed in an elected parliament, and the English form of limited monarchy. Both were seeking to give the principle of consent a permanent place in political theory. Locke's contribution, of course, was much more definitive and much more cogently put.

Before we leave this section dealing with consent as expressed in contract, let us examine the idea of majority rule which is implied in it. Although Baxter took his stand firmly for constitutional government, he made it abundantly clear that he would have nothing to do with republicanism. Baxter was an aristocrat, and the roots of his attitude can be clearly seen in the Vindiciae and in Calvinism. The Vindiciae considered the "people" to be those who have authority from the people i.e., the magistrates or assemblies; and the aristocracy of Calvinism is seen in its government by the presbyter and elders rather than by the congregation.² Baxter's opposition to democracy can be further seen in his treatment of Harrington and

¹Directory, Part IV, Section 9, p. 12.

²Barker, op. cit., p. 92.

Milton. He mentioned the former only to refute him, and our research has revealed no mention of Milton whatever. Locke took much the same position.

His letters show that he disliked the Cromwellian system and the republicanism which Harrington and Milton had based upon it. He was content to have a kingship divested of legislative power so long as hereditary succession was acknowledged to be dependent upon popular consent.¹

Locke and Baxter both believed in a very limited franchise restricted to a small group of property owners,² and they both assumed that the will of the majority bound all voters and all who had no vote.³ They used the same terms when speaking of the validity of consent whether it was "express" or "tacit."⁴ Both of them fail to supply any political machinery for consulting the will of the majority other than the right to elect representatives and the ultimate right of revolution, or in Baxter's terms, resistance, but we must remember that neither of them were majority-rule democrats as we understand that term. They were resisting SMabsolution and interpreting the English constitution as they understood it.

¹Laski, op. cit., p. 34.

²Gough, op. cit., p. 64.

³Locke, op. cit., Section 95, 97, 98, p. 49. Cf. Holy Commonwealth, pp. 168 f.

⁴Ibid., Section 119, p. 60. Cf. Gough, op. cit., p. 68.

Law. A characteristic of constitutional principles is the exaltation of law, and to this we will now turn. The supremacy of law was one of the chief characteristics of both the practice and the theory of medieval politics. The authority of the sovereign was both founded upon and limited by law, and part of this was the contractual principle.¹ The Conciliar Movement enunciated the principle that law was an expression of consent and not a weapon of power.² The author of the Vindiciae was most impressive in the passages where he applauded law. To him it was something far grander than the command of any particular earthly prince. He saw in all positive law a reflection of the divine law and the Natural Law, the wisdom of custom and the will of the community.³ Law was sovereign not only because it was based on reason, but because it was based on communis ratio.⁴ Moving on to Hooker we find the same principle enunciated even more forcefully. "Happier that people," wrote Hooker, "where Law is their king in the greatest things, than that whose king is himself the Law."⁵ However, Hooker went beyond the Vindiciae to declare in a more far-reaching manner that it was the community and only the community which could give the law its coercive power.

¹Carlyle, op. cit., Vol. V, p. 471.

²Laski, Cambridge Medieval History, Vol. VIII, p. 638.

³Figgis, From Gerson to Grotius, pp. 177 f.

⁴Barker, op. cit., p. 106.

⁵Carlyle, op. cit., Vol. VI, p. 356.

In keeping with the Natural Law tradition, Baxter insisted that all positive law must comply with the universal Law of Nature and the Law of God. This idea that a law ceased to be a law if it enjoined injustice goes back through the above writers to Aquinas, Augustine and even to the Roman jurists. He adhered to the theory of both St. Thomas and Hooker who made custom a basic source of law. He believed that laws could not be enacted or enforced until after a contract was made establishing a sovereign and legislative authority.

However, there is one important point of disagreement which is very difficult to explain. He took sharp issue with Hooker's statement that "Laws they are not, therefore, which public approbation hath not made so." In Baxter's estimation this hopelessly confused the "pars imperans" and the "pars subdita," and he replied, "Their (the laws) Authority is not derived from the people's consent, but from God by their consent, as a bare conditio sine qua non."¹ Here he asserted that there could be no obedience without consent, but he refused to admit that this consent implied law-making power. It is difficult to explain this inconsistency at first sight, until we realize that in majority rule Baxter saw one of the two greatest threats to the theocratic idea, namely, the tyranny of democracy (the other was the tyranny of absolutism). However, when he saw the difficulty of maintaining that position, he compromised and wrote that if the

¹Directory, Pt. IV, Section 12, p. 13.

people have any share in legislation it is "by after constitution and not by nature."¹ Reluctantly, he was forced to admit the implications of 'consent' and finally made the king-in-parliament the sovereign authority, and put all men under the reign of law.

Baxter also thought of law in terms of command, much as Bodin had written about it. Of course, there was nothing amoral about the command of sovereign authority. It was the will of the community expressed through consent, and it had to comply with Natural Law. However, he was expressing the conviction that law must have behind it the power to compel obedience. The comprehensive and compulsory character of the legislative authority within the State was clearly envisaged.

The similarities between the conception of law as expressed by Hooker and Locke are many and with these Baxter would agree. One was that human law must concur with Natural Law,² and that the ruler, the legislators and every citizen of the realm were subject unto the law.³ They all believed that there could be no obedience without consent, and Hooker and Locke went on to declare that the power to make laws belonged to the whole of society.⁴ Like them, Baxter tended to equate lex with ratio, thus appealing to another

¹This phrase is very similar to one used by Hooker, namely, "after-agreements." Cf., Shirley, *op. cit.*, p. 117.

²Locke, *op. cit.*, Section 134, 135, 136, p. 68. Cf., Shirley *op. cit.*, p. 101.

³*Ibid.*, Section 94, 97, pp. 47-49.

⁴*Ibid.*, Section 149, p. 74.

authority besides Scripture.¹ Following Hooker,² Baxter made provision for change in his concept of law. He distinguished between the permanent and temporary features of God's law, and gave the legislative authority power to make and unmake law. They were all members of that school of thought which claimed that laws existed to protect and further natural rights, and not to create them. Baxter had much in common with Lawson and Locke in his conception of liberty as freedom from interference so that a man might be master of his life and free to work out his own salvation. They also agreed that a man is absolutely free in everything that is not covered by law. These ideas were essential parts of the Whig tradition as Bowle points out.³

¹Shirley, op. cit., p. 88.

²Ibid., p. 89.

³Bowle, op. cit., p. 99.

Trusteeship. The idea of trusteeship held a prominent place in Baxter's thought as it did in Locke's. Since in the eighteenth century "it became a parliamentary commonplace that 'all political power is a trust,'" ¹ it is necessary to survey the origins of the idea in the seventeenth century and earlier. The conception that "the prince held his authority on the understanding that he fulfilled his obligations" was a constitutional principle clearly demonstrated in medieval political and social life.² His obligations were to God, the source of all power, and to the people with whom he was bound by contract. The Vindiciae developed the trust concept further by applying it not only to the king but to the public officers (Calvin's Ephori) who also got their authority from the people.³ Goodman and Knox among Presbyterians, and Suarez and Mariana among Catholics thought of public power in terms of trust.⁴ The concept is familiar to readers of Hooker although he seemed to apply it only to the king's relationship to God and to the law, and not to the parliament's relation to the electorate. Gough traces the use of the term by both sides in the struggle between king and parliament,⁵ and concludes: "By the middle of the

¹O. Gierke, Political Theories of the Middle Age. Translated with introduction by F.W. Maitland. (Cambridge University Press, 1922) p. xxxvi.

²Carlyle, Vol. V., p. 472.

³Barker, op. cit., p. 89 f.

⁴Laski, op. cit., p. 41.

⁵Gough, op. cit., pp. 144 ff.

seventeenth century, clearly, the trust concept had become an established mode of thought."¹ Lawson and Hunton also made this doctrine basic to their political thinking applying it to legislative and executive branches of government,² and we are aware of Baxter's admiration for Lawson.³

Drawing on the same tradition, and seeing everything in a theocratic framework, Baxter said that it was God who had entrusted the king with the government of his people, and it was God who had entrusted the people with the limitation of the king's power. They were trustees primarily to God, and secondarily to each other. This secondary trust was involved in the contract, and meant that if the king failed in his obligations he could be deposed. Baxter also used the term 'trust' in connection with the responsibility of the parliament to the electorate. Under the contract, as he had conceived it, the people had retained certain rights over which the prince had no authority; the parliament was entrusted with securing and safeguarding these rights and liberties. In other words, the parliament had to see that the contract was not broken.

This was an 'in-between' position again. On the one hand, Baxter said that the king was 'an officer of trust' accountable only

¹Ibid., p. 161.

²Bowle, op. cit., pp. 90 f., 103.

³Baxter wrote that Lawson was "the ablest man of almost any I know in England," a man of "methodical head, a man of great skill in politics, wherein he is most exact." Quoted by Bowle, op. cit., p.100.

to God the giver of sovereign power; and on the other hand, he said that the king by his contracts was accountable to the people through the parliament. He was attacked from both sides: Gough cites a certain Assheton who attacked him for this latter position in a book published in 1684.¹

Gough shows how Locke gave clear and forceful expression to what he calls the "peculiarly English idea of trusteeship."² Locke used this metaphor in place of a contract between king and people; others, Baxter among them, used it along with the idea of contract. Locke wrote that a "fiduciary trust" was placed in the king and executive to exercise prerogative and other powers for the safety of the people. The legislature also held their power in trust to the community, and if either of them defaulted, the power returned to them who had bestowed it.

The similarity between Baxter's ideas and those of Locke is quite apparent. Baxter had made his contribution by applying trusteeship to both the executive and the legislative branches of government. Gough writes in summary:

We can see, then, that whether applied to executive or to legislature, the trust concept reached Locke in a well-developed form, and that he did no more than receive and apply it.³

¹Gough, op. cit., p. 154.

²Ibid., p. 143 ff.

³Gough, op. cit., p. 163.

(d) Resistance. Baxter agreed with St. Thomas¹ who taught that subjects must always obey their rightful rulers. Since the authority of the State was God-given, to disobey it was to disobey God. However, he also agreed with St. Thomas that a subject need not obey his ruler if obedience involved the doing of wrong, and the violation of God's law. They both drew exactly the same distinction between the sedition which is lawful and unlawful. Resistance to tyranny is not sedition as long as the public good is served more by resistance than it is harmed by tyranny. In such cases, revolution becomes not sedition but a duty.² The situations in which a subject was not bound to obey, as cited by Baxter and St. Thomas, bear a very obvious similarity.³ The fact that Baxter repeated these medieval illustrations, shows how much of a medievalist he was and how dependent he was on book-learning. Like St. Thomas he was not prepared to encourage tyrannicide, but they both believed in the deposition of unjust rulers by the contracting party whose trust had been betrayed.

Luther and Calvin upheld the divine character of secular government and insisted on the duty of passive submission to established authority. The divine right of the State made it a

¹Carlyle, Vol. V, pp. 90 ff.

²Troeltsch, Vol. I, pp. 289, 314.

³Carlyle, Vol. V, p. 91.

Christian duty to submit to tyranny, if necessary, as part of God's punishment for sin.¹ Calvin also was an ardent believer in the necessity of passive obedience.² Baxter would never submit to tyranny, and yet he accepts and uses the old distinction between "office" and "officer" which was frequently being made by those who supported the doctrine of non-resistance.³ Calvin stated explicitly that obedience was no longer necessary if the command of the sovereign was counter to the command of God⁴; but the private citizen had no other alternative than submission. However, although he did not tolerate individual resistance, Calvin did approve of public resistance organized by "magistrats inferieurs" to preserve the good of society and the truth of religion.⁵

The Huguenot doctrine of resistance as seen in the Vindiciae developed Calvin's exception into a "full fledged theory." On the basis of the two contracts and the idea of the trusteeship of political power the author justified revolution whenever there is breach of contract or trust. On the basis of the first contract, if the true worship of God is not being maintained; and on the basis

¹Figgis, Cambridge Modern History, Vol. III, p. 752 f.

²Calvin, The Institutes, Box IV, Chap.xx, par. 22,23,25,27.

³J. W. Allen, A History of Political Thought in the Sixteenth Century, (Methuen and Co., London, 1928), pp. 120 f.

⁴Calvin, op. cit., Book IV, Chap. xx, par. 31.

⁵Ibid., par. 32.

of the second contract, if the king is oppressing or destroying the State, revolution is justified. Furthermore, if there is breach of trust, the public officers or the three Estates, can organize public resistance.¹ Kings are to be kept within the law of God and the law of the land by deposition if necessary. Baxter followed this casuistry of resistance very closely even to the point of accepting political oppression as a ground for revolution, something which Cartwright was not prepared to do.²

Presbyterians like Knox and Buchanan,³ and Jesuits like Mariana, Molina and Suarez all supported the principle of revolution,⁴ and the doctrine upon which it is built, namely, that the community is the ultimate source of authority in the State. Like them, Baxter made the same distinctions between usurpers, conquerors, de facto kings, and kings who have become tyrants.

Baxter believed that it was the duty of the Christian State to come to the aid of other countries who were suffering from tyrants. In this he was following both Aquinas⁵ and the *Vindiciae*.⁶

¹Barker, op. cit., pp. 91 f.

²Laski, op. cit., p. 42.

³Carlyle, op. cit., Vol. VI, pp. 396 ff.

⁴Ibid., pp. 343 ff., 402 f.

⁵Troeltsch, Vol. I., pp. 315 f.

⁶W.A. Dunning, A History of Political Theories, From Luther to Montesquieu. (MacMillan, New York; 1943). pp. 55 f.

In fact, Troeltsch says¹ in his discussion of the Reformers that it was one of the legal principles of the age that princes should intervene in the life of other States to save them from oppression and godlessness.

Hooker and Hobbes were the only authors in this list who were not willing to approve rebellion or tyrannicide. Hooker said² that if a sovereign acts against the general good and against God's law, subjects can refuse to obey but there is no other way by which they can help themselves. It is therefore all the more important, he wrote, "that power may be limited ere it be granted."³ Hobbes likewise, but in a much different vein, held that the powers of the sovereign must be absolute and that resistance of any kind for any reason was a "breach of covenant," and therefore not to be tolerated.⁴ For him the dissolution of government would mean a return to the State of Nature which meant chaos. Baxter rejected Hobbes' attitude outright, and, although he could appreciate Hooker's position, he could not accept it. Baxter elaborated at length on the duty of non-resistance where Christian conscience would permit it, but when the issues were clear, he advocated violent revolt.⁵ We can

¹Troeltsch, Vol. II., p. 921.

²Shirley, op. cit., pp. 103 f.

³Hooker, quoted by Carlyle, Vol. VI, p. 405.

⁴A.E. Taylor, Hobbes (Constable and Co., London, 1908), p. 102.

⁵Supra, p. 102.

add that after the Interregnum, the writings of Lawson, Hunton, Baxter and others, and especially after the Revolution of 1688, the doctrines of absolutism and non-resistance were dead.

As we would expect there was much agreement between Locke and Baxter on the right to resist and depose rulers. Locke held that the established government was sacrosanct so long as it fulfilled its trust. He claimed that "...the community perpetually retains a supreme power of saving themselves" from those governors who would rob them of their liberties.¹ For him the dissolution of government did not mean the dissolution of society; it simply meant that the community had withdrawn its authority from one ruler, or was using it to depose him, after which it would confer it on another who would be more worthy of its trust.² Baxter also distinguished between government and society, and he was a stalwart supporter of resistance. It should be pointed out that many of those who supported the theory of resistance did so in defence against religious tyrants, but in the *Vindiciae*, in Baxter and in Locke we have resistance defended on the grounds of political oppression as well.³ In spite of the fact that Baxter believed that the nation had the right to protect itself through its parliament

¹Locke, *op. cit.*, Section 149, p. 74.

²*Ibid.*, Section 211, p. 103.

³Laski, *op. cit.*, p. 42.

against tyranny, he would not admit that the community was conferring or with-holding sovereign power. He preferred to say that the nation was merely restraining untrustworthy governors, which was the role God had given it.

Barker believes that "Book IV, chapter xx, section 31 of The Institutes is one of the seed-beds of modern liberty," and he traces its influence upon the Vindiciae, to the Bill of Rights of 1689, and the principles of the "great Whig Party."¹ We can conclude that there was nothing new in Baxter's doctrine of resistance, other than an attempt to combine the doctrines of non-resistance, and the right to revolution. This attempt was in itself of considerable significance. It indicated his clear recognition of both the need for an omniscient central authority, and at the same time the necessity for some machinery by which government could be made answerable to God and to those governed. Without doubt he made a prominent contribution to the contemporary discussion of these great ideas: contract, trusteeship and resistance.

¹Barker, op. cit., pp. 84 f.

(e) The Relation of Church and State. In an attempt to place Baxter in the perennial controversy between Church and State, let us first of all turn to the Erastian position and then to the Separatist. Henson summarizes the conflict admirably in the following paragraph. We shall use it as our point of departure.

Erastianism was historically a protest against the discipline of Presbyterianism. The point on which Erastus came into conflict with his Calvinist contemporaries was, precisely, the point of excommunication: but the point raised the whole question of Church and State. Concede the discipline and, in respect of a large class of human action, you admit an authority within the State greater than the State itself. It must always be remembered that as yet men's minds were governed by the notion that the Church however organized must be co-extensive with the nation. From that assumption it seemed to follow inevitably, as Hooker argued, that national institutions alone sufficed for the exercise of ecclesiastical functions. But at this point two classes of difficulty emerged. On the one hand, there is the fact of the Church's spiritual character, which, secured and certified by its divine origin, could never really accept national authority as adequate within the spiritual sphere. The frank recognition of this fact was the strength of both the papist and the presbyterian: the weakness of both lay in their diverse but kindred misapprehensions of its meaning and practical bearings. On the other hand there is the fact of the individual conscience, which disdains to own an ultimate authority in any institution, whether political or ecclesiastical, and finally confesses the supremacy of its own self. The frank recognition of this fact was the strength of the sectary, now beginning to loom threateningly on the horizon of national politics, but he also misapprehended the bearings of the truth he saw. The Royal supremacy was properly Erastian in so far as it secured the single government of Church and State: but the characteristic doctrine of Erastus as to excommunication was adopted by the representatives of no body of religious opinion, and, indeed, implied the negation of a Christian Church conceived as an organized society. The term Erastianism, then, by a legitimate and inevitable extension came to mean the subordination of the Church to the State in such sense and to such extent, that the effective unity of the commonwealth is secured.¹

¹Henson, English Religion in the Seventeenth Century, (John Murray, London, 1903) pp. 150 f.

As Henson points out one has to remember that what has been called Erastianism and what are the views of one certain Erastus are often quite different. Erastus tried to prove on Scriptural grounds that the sins of professing Christians should be punished by the State and not by the withholding of the sacraments on the part of the clergy. Erastianism came to mean the right of the State to complete authority in all civil and religious matters, and this always in a State where there was but one religion.

Hobbes in his *Leviathan* carried Erastianism to extremes which Erastus himself would not have allowed, and which most Churchmen have held to be quite inconsistent with Christianity itself. Hobbes was not concerned with ultimate religious truth but with peace; he wanted to end the power of religion to disrupt society. His solution to the chaos of religious controversy was to make religion a civil matter" . . . not the construction of reason but authority, concerned not with belief but with practice, aiming not at undeniable truth but at peace."¹ The sovereign was to decide what true religious belief was, and an individual's assent was not only a declaration of his faith but also a profession of loyalty and submission to the State. Hobbes argued that the kingdom of God was not an ecclesiastical but a civil society, and the sovereign was God's lieutenant.²

¹Hobbes, *op. cit.*, Oakeshott's Introduction, p. lxiii.

²Taylor, *op. cit.*, p. 119.

Baxter could not tolerate for one minute the solution proposed by Thomas Hobbes. That would have forced the Church to play treason to its only rightful maker and head Jesus Christ. Baxter had suffered under the Test Act of 1673 which Henson called "the extremest example of Erastianism which our national record preserves"¹ and he had no illusions about the harm which State interference could do in the Christian community. To make the State the "judge of religion" as Bishop Seldon and others claimed would have been fatal in Baxter's estimation.²

However, Baxter was Erastian enough to make the magistrate's rule supreme in both civil and religious affairs: the king was to be head of both Church and State. The clergy had no right to exercise force in Church discipline, for he had made it a rule that "All Pastoral power and Government is only instructive, Persuasive and Directive."³ Both Church and State would have their own judiciary and law enforcing organization, and he thought that there need be no interference of the State in Church affairs for one had the power of the keys and the other had not. Baxter assumed that a person excommunicated from the Church by Church discipline, would likely find himself arrested and forcefully denied other civil privileges as a result of charges brought by the State. The point he insisted upon was that the Church could not dictate the times when forceful punishment was to be applied. It must always be

¹Henson, op. cit., p. 168.

²Figgis, Divine Right of Kings, (University Press, Cambridge, 1896) p. 317.

³Plea for Peace, p. 157.

kept in mind that Baxter was thinking in terms of a theocracy. He assumed that the Church could capably administer its own affairs, but ultimately the State was responsible to Christ for the welfare of the Church.

Henson defines the Separatists as those who exalted individual conscience to such an extent that they would acknowledge no authority above it in either Church or State. Troeltsch summarizes the Congregational ideal as "freedom to form independent Churches, the abolition of State compulsion in religious matters and the exclusion of all heretical forms of religion from the State."¹

While the Presbyterians were trying to get their system of Church government established, if not to the exclusion of all others, at least alongside the state Episcopal Church, John Brown and his followers were saying that the preference of the government need not make any difference. He asserted that each congregation could adopt its own system. He and his group proclaimed "the independence of all authority, civil and spiritual, belonging to local religious communities, and the indifference of the State to religion."² Some of the Separatists in New England developed this position further by declaring as Roger Williams did that a religious association was no different from any other association in society and that what it did was its own concern; indeed it was beyond the competence of the State to judge. He

¹Troeltsch, op. cit., p. 671.

²Cambridge Modern History, Vol. III, p. 756.

did not even agree with other Independents who believed that the State should promote the true faith; instead he claimed that the State should be neutral and tolerate all religions.¹

Now with the extreme Separatists like those last mentioned, Baxter had nothing in common, but we can see some affinity with the moderate Independents. Baxter saw much that was commendable in the Congregational system and honoured their desire to have no superior government over them in either Church or State. He gave practical demonstration of his position in the Worcester Association which had no governing power over the member Churches. In his theocracy the civil authority would not have demanded compliance to any more than the minimum creedal requirements, and from his experience most of the Separatists would have accepted this. Although Baxter insisted that Churches should be free to direct their own affairs, he believed the State had a positive religious role. Both Troeltsch and Figgis² mention the fact that many of the moderate Independents were willing to allow the State the right to keep out heresy and in case of Church dispute, the right of appeal to the magistrate. This concession fitted into Baxter's scheme very well.

Let us now briefly compare Baxter's idea of the Church-State relationship with that of the Presbyterians, particularly Cartwright. The Presbyterian view was what might be called the two-kingdom theory.

¹Dunning, *op. cit.*, pp. 232 f.

²Divine Right of Kings, p. 327.

This theory held that Church and State were two distinct although closely related societies. It acknowledged that the State had a separate unity and sovereignty within itself as well as its own orbit of influence and its own methods of coercion, but this view claimed the same for the Church as the societas perfecta. In his survey of primitive Calvinism Troeltsch observes that in practice this view made the State subordinate to the Church.¹ We find the same attitude in Cartwright who claimed that because of the Church's unique origin and purpose in the world it had a priority and superiority over the State.² Baxter could accept the two-kingdom theory in large part, but he was too much of an Erastian to allow for any exaltation of the Church over the State. Presbyterians believed that there was a divinely appointed form of Church government in the Scripture and they had it, and they believed that it was the duty of the State to establish it officially.³ By the way of contrast, we can see how far Baxter had come from this narrow view. Outside of the congregation and its bishop-minister, Baxter found no form of Church government to be divinely ordained, and while the magistrate was required to uphold the Approved Church in his commonwealth, there was toleration for many others, which is a phenomenal advance on Cartwright's views. Both Cartwright and Baxter believed that the magistrate got his power directly from God and that he had a very lofty function to perform

¹Troeltsch, Vol. II, p. 627.

²A. F. Scott-Pearson, Church and State. (Cambridge University Press, 1928). pp. 15, 17.

³Ibid., pp. 29 f.

in society. Both believed that there were definite limits to sovereign power, that magistrates were obliged to obey God's commands, and that they were Church members and subject to Church discipline like anyone else.¹ Although Baxter admitted this, he hedged a bit and made some qualifying remarks about disciplining the magistrate in secret so that obedience would not be undermined.² They both agreed that magistrates and ministers should not perform each other's functions in society,³ but if the Church became corrupt and the ministers and officers failed to do their duties, then it was the magistrate's duty to reform the Church.⁴ Baxter could not agree with the opinion which claimed that it was the duty of ministers to interpret God's laws and the duty of magistrates to enforce them.⁵ He had a much more exalted view of the magistrate than that; the State should never be merely the coercive arm of the Church. He believed that the two bodies had different punishments and that these were to be exercised under independent judgment. One would not necessarily follow the other at all. To the question, "Is the magistrate to maintain the true religion by force?", Baxter would answer affirmatively with Cartwright and the Papists, but his definition of what was the true religion was so wide that he had made room for the Brownists who had answered that question in the negative.

¹Ibid., p. 27.

²Supra, pp. 169 ff.

³Pearson, op. cit., p. 14.

⁴Ibid., p. 33.

⁵Ibid., p. 31.

In conclusion Pearson observes that "Cartwright's recognition of the civil authority in relation to the Church is of such a conditional nature as to render it suspect".¹ Baxter, on the other hand, went out of his way to exalt the civil authority, and was sure that this would not jeopardize the Church's freedom.

It is worth noting that the Jesuits (Sota, Suarez, Moline and others) with whom Baxter was familiar, tended to accept the two-kingdom theory just as the Presbyterians did. They thought of the Church and the State as independent societies but gave the Church an indirect superiority over the other. They all tended to see the State as a 'mere convenience' which was to be judged by its ability to satisfy the ends of government. In their opinion it had to be limited, amenable to criticism, and at times subject to the guidance of the Church. Baxter could agree with neither their politics nor their ecclesiastical opinions.

Let us now turn our attention to Luther and Hooker. Troeltsch points out that Luther had a very spiritualized conception of the Church. In his desire to avoid legalism and compulsion he made no provision for its self-government, and thus it became dependent upon the State for the regulation of its external life.² "In theory," writes Troeltsch, "the Church was ruled by Christ and by the Word; in practice it was governed by the ruling Princes and the pastors."³ Questions of faith and morals

¹Ibid., p. 37.

²Troeltsch, op. cit., p. 516.

³Ibid., p. 520.

were placed under secular control and were enforced by civil legal penalties.¹ In contrast to this, Baxter provided a very complete form of government for the Church from the parish to the national level. He believed that the Church should have full spiritual authority over its own affairs with power to excommunicate. It was here that Baxter parted company with the Reformers for he did not believe that a person guilty of an infringement of Church discipline should be automatically handed over to the secular authority for punishment. The State was not to be the coercive arm of the Church.

In the estimation of Figgis² "The unity and universality and essential rightness of the Sovereign territorial State, and the denial of every extra-territorial or independent communal form of life, are Luther's lasting contribution to politics." The power of the State was to be irresistible, and even individual rights of religion could not stand against it. Luther considered the Prince the most important member of the Church; it was his duty to rule the Church through his God-appointed office. He believed that both spiritual and temporal government were divine in origin³ but the temporal authority in practice was ultimately responsible to God for the Church's welfare. Luther was

¹Ibid., p. 519.

²From Gerson to Grotius, 1414-1625. Second Edition. (Cambridge University Press, 1914), p. 91.

³Carlyle, Vol. VI, p. 274.

thinking in terms of a theocracy in which Church and State would be woven together to form "a harmonious conception of a Christian society".¹ This is the medieval idea of the Corpus Christianum in which under God, the State has Christian aims and the Church is coextensive with it. Baxter did not exalt the State as Luther did; he believed in resistance and a certain measure of religious freedom. Nevertheless, the Corpus Christianum appealed to him, and his conception of the relation of Church and State sprang from this tradition of thought.

Ignoring the controversial parts of the seventh book of the Ecclesiastical Polity we find that Hooker believed the Church to be a divine society instituted by Christ and the apostles.² The Church consisted of clergy and laity, and the clergy were divided into presbyters and deacons; he considered the Apostles a more eminent form of Presbyter. From these orders developed the bishops, presbyters and deacons in the Church of England as he knew it. However, as Hooker faced the puritan opposition of that day, he was convinced that much of the controversy was over matters either unimportant or indefinable in Scripture.³ Among these secondary matters, he placed Church government; he had no theory of "monarchical episcopacy".⁴ The similarity between the ideas of Baxter and Hooker is already apparent. As above,

¹Froeltsch, op. cit., p. 522.

²Shirley, op. cit., pp. 107 ff.

³Allen, op. cit., p. 196.

⁴Shirley, op. cit., p. 108.

Baxter concluded that bishops and presbyters were of the same order, and held that much of the controversy was over 'things indifferent'—one of which was Church government. However Baxter could not admit that the Scriptures offered nothing as far the esse of Church government was concerned. He insisted that the New Testament minimum requirement was a bishop-minister in each parish.

In contemporary controversy Hooker was determined to uphold the royal supremacy, and he upheld it in both Church and State. These two entities he believed to be composed of the same persons.¹ The society was called "Church" when referring to religious matters, and State when referring to all other matters. Church and State differed only in function, and found their common unity in the sovereign.² The king-in-parliament together with the convocation of the National Church constituted the source of all government. The State was a dual organ for both civil and ecclesiastical affairs.³ Hooker's idea of the State was essentially theocratic. It was the State's task to organize the social life of human beings in such a way that they were able to become a people of God. All rule was to be judged by this divine intention.⁴ Baxter's theocracy was almost identical with that

¹Dowden, op. cit. p. 91.

²Shirley, op. cit., p. 127 f.

³Ibid., pp. 120 f.

⁴Loc. cit.,

of Hooker's. They both agreed that an excommunicated man was still a member of the Commonwealth.¹ This was in contrast to the rigid character of the New England theocracy where to be excommunicated was to be excluded from civil society.² In common with Hooker, Baxter provided a very adequate system of self-government for the Church right up to the national plane. Baxter differs from Hooker in two matters. He would allow a pagan to be the supreme head of a Christian commonwealth whereas Hooker would not.³ He upheld the sovereign's supremacy irregardless of his religious convictions. Another divergence between the two authors is apparent in the matter of toleration. Hooker insisted that the royal supremacy was the guarantee of unity, and unity was guaranteed by uniformity. There could be no toleration,⁴ Baxter on the other hand, living in a later age, saw the necessity for toleration, and believed that it was still possible to have unity in essentials without uniformity in religious practice.

In conclusion let us compare Baxter with John Locke. Locke believed monarchs were appointed by God and like Baxter used the terminology and accepted the presuppositions of Calvinistic Natural Law,⁵ but

¹Ecclesiastical Polity, Book VIII, Chapter 1, No. 6.

²The case of Roger Williams might be cited. He was banished from the colony of Massachusetts for holding heretical views.

³Directory, Part IV, Section 22, pp. 14 f.

⁴Shirley, op. cit., p. 196.

⁵Troeltsch, op. cit., p. 638.

in the following excerpts we see how far he had moved away from Baxter's position.

. . . the Church itself is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immovable. He jumbles heaven and earth together, the things most remote and opposite, who mixes these two societies, which are in their original, end, business, and in everything perfectly distinct and infinitely different from each other.¹

For the political society is instituted for no other end, but only to secure every man's possession of the things of this life. The care of each man's soul, and of the things of heaven, which neither does belong to the commonwealth nor can be subjected to it, is left entirely to every man's self.²

Locke made the religion of the citizen and the welfare of the particular Church to which he belonged no concern of the State. He held that any moral duties the State might have would be taken care of by natural morality. Baxter could never have countenanced such a complete divorce between Church and State. He insisted on the necessity of each having a separate organization, but he held that their ultimate purpose was much the same and required that these separate organizations be interwoven at all levels of administration. To Baxter the primary end of government was moral and religious, namely, "the pleasing of God and the salvation of all".³ A State so secular that it was indifferent to the moral ends of government would be a denial of the civil office as God had instituted it and a terrible impediment to the Church's work. In

¹Concerning Toleration, p. 135.

²Ibid., p. 153.

³Supra, p. 150.

short, it would strike a death blow to the idea of theocracy. And this is exactly what Locke did when he stated "there is absolutely no such thing under the Gospel as a Christian commonwealth".¹ Here is a world-view altogether different from Baxter's.

Locke's idea of the Church had much in common with that of the Independents.

A Church, then, I take to be a voluntary society of men, joining themselves to-gether of their own accord in order to the public worshipping of God in such manner as they judge acceptable to him, and effectual to the salvation of their souls.²

As we have observed Baxter had no marked antipathy for this conception of the Church,³ and in fact made room for the Separatists in his Holy Commonwealth. But Locke implied more: he considered religion to be such a private affair that the visible Church ceased to be an essential part of it.⁴ No orthodox Christian could accept this opinion. But it is just here that Locke's distinction between the Church and State falls down, and what he says about it cannot be taken too seriously for he has explained the Church away.

Both Baxter and Locke agreed that coercion could have no place in religion, but they came to conclusions poles apart. Locke claimed that "every Church is orthodox to itself; to others erroneous or heretical", and that there is no judge anywhere on earth who can decide which

¹Locke, op. cit., p. 149.

²Ibid., p. 129.

³Supra, pp. 113 & 134

⁴Laski, op. cit., p. 46.

is right.¹ Therefore the civil authority should have nothing to do with religion other than keeping the peace.² Baxter would have turned in his grave at such a proposal. He had spent his whole life trying to prove that there was unity in the essentials of the faith among most of the Churches, and that a Christian government not only could, but ought, to maintain orthodoxy and keep out heresy. Baxter agreed that there was to be no physical coercion in Church discipline, but he believed in a theocracy, and therefore the State was expected to use coercion to promote the salvation of all.

It is a surprising fact that between Baxter, who exalted religion, and Locke, who inadvertently undervalued it, there should be so much agreement about the groups to be denied toleration. Locke offered toleration to all except these three:³ (a) those who were so anti-social that their opinions contravened civil order, (b) those who were subject to another sovereign before their own, such as Catholics, (c) atheists, because they would not be able to honour the "promises, covenants and oaths which are the bonds of human society." Baxter had made these exceptions long before Locke, but he had added Socinians to his list.

Locke paved the way for toleration, but it seems that he did it by asserting the preminence of the State and consigning religion to

¹Locke, op. cit., p. 133 f.

²Ibid., pp. 127 f.

³Ibid., pp. 154-56.

a place of secondary importance. It appears that toleration became a political fact the moment religion became a matter of indifference or at least private significance. The observation of Figgis seems to be true:

Only, indeed, when real toleration exists, can politics be non-theological; and, vice-versa, only where the idea of theocracy is abandoned, can there be a real toleration. To attempt to identify the Christian law with that of the State must frequently lead to persecution.¹

For all Christians the dilemma is there. It redounds to Baxter's credit that he sought a basis for toleration in a theocratical State and found one. His solution is still worthy of consideration.

From the above survey it can be discerned that Baxter was once again steering a middle course between several conflicting views. In the first place, he could not accept the Jesuit-Presbyterian two-kingdom theory, nor on the other hand was he content to be an Erastian. In the former he foresaw a renewal of the see-saw battle between Church and State with the imminent danger of a Church tyranny being imposed with no freedom to other groups. Equally abhorrent to him was an Erastianism which would not leave the Church free to be the Church. His solution was typical. He made the State supreme but only in a theocracy where all civil rule was exercised under God. Then he gave the Church--whether Presbyterian or Independent--complete self-government and freedom from State interference. As usual Baxter hoped to preserve the valuable insights of both views and yet remove the cause of conflict.

¹Figgis, Cambridge Modern History, Vol. III, p. 740.

Secondly, and in a similar manner we can see how he tried to reconcile the stand of Hooker and Luther, and the Independents. In his discussion of Natural Law for the Church, Gierke calls these two views the Territorial and the Collegial conceptions of the relation between Church and State.¹ In the Territorial view Church and State are separate social organisms with governing powers of different origin but which find their unity in the sovereign. The Church in its external and legal manifestations is a State institution. In the Collegial conception the Church becomes one of the associations formed by free compact within the State. As this idea developed the Church became an independent authority within its own area while still being subject to the State. Accordingly, the State exercised a power over all consistent with its political ends, while at the same time the Church exercised ecclesiastical authority within its own domain without external interference. Our examination of Baxter's thought clearly reveals a deliberate attempt, and a very worthy one, to combine both these views. On the one hand, he was determined to have the advantages which the Territorial system provided, namely, the country-wide character of the Church, its right to dominate the life of Society, and the maintenance of pure doctrine and an ordered ministry. On the other hand, he was determined to make room for the Separatists and talked about Churches being like "several colleges in one university".² He insisted that

¹O. Gierke, Natural Law and the Theory of Society, (Cambridge University Press, 1934), Vol. I, pp. 88, 90 ff.

²Supra, pp. 151 f.

Church government was a secondary matter, stressed the differences between Church and State power and underlined the right of the Church for freedom from interference in its internal life. Here is ample evidence to show that Baxter was an original thinker and that he made a valiant attempt to solve the religious and political problem of his day.

(f) The Concern for Social Justice. No account of the Puritan idea of the Holy Commonwealth would be complete without a statement of their concern for social justice. Unfortunately we have not enough information about John Eliot's views to determine his attitude on this question, but in the case of Richard Baxter we have ample material.

Baxter had nothing to do with the Levellers and the Diggers who tended to be socialistic and quite radical in their views, nor on the other hand was he among those who had become enamoured of their new-found wealth and individualism, and overlooked the implications of their faith for business and commerce. Baxter had an "acute social conscience." To him social righteousness was just as important a part of the gospel as personal salvation. They went together. His Directory is a monument to the Puritan determination to apply the faith not only on Sunday but from Monday to Saturday. It attempts to provide a complete casuistry for the Christian in all walks of life. There were four parts. Christian Ethicks dealt with private duties; Christian Oeconomicks with family affairs; Christian Ecclesiastics with Church Duties, and Christian Politicks with the duties of Christian subjects and rulers. In this emphasis Baxter was undoubtedly drawing upon the Calvinist heritage. For in an earlier generation at Geneva Calvin had endeavoured to establish a holy community in which the rule of Christ was applied to all of life -- individual and social, sacred and secular. It was the same

vision which gave the Puritans their concern for social righteousness, and to a few aspects of this we will now turn.

This concern can be seen for example in the Puritan demand for educational facilities for all and particularly for the poor. In his Last Treatise¹ which was not printed until this century, Baxter made many references to education. He exposed the illiteracy of the poor husbandman, and made a strong and bitter attack on the wicked landlords who gave their tenants neither time nor encouragement to learn to read and to teach their children the Bible. He was very concerned that education and religion be not separated, and that godly schools and godly school-masters be provided.² He commended the founding of schools and the giving of scholarships as an especially rewarding type of charity.³ Generally speaking the Puritan assumed that learning was only required of the clergy and the aristocracy, but there was a growing demand for a minimum universal education.

We also see this concern for justice in the master-servant relationship. Now we must remember that the patriarchal conception of family life was accepted without question and the master-servant relationship was part of it. Nearly every sermon on the fifth

¹The Reverend Richard Baxter's Last Treatise. Edited by F. J. Powicke with an Introduction by G. Unwin. (Manchester University Press, 1926).

²R. B. Schlatter, The Social Ideas of Religious Leaders 1660-1688, (Oxford University Press, London, 1940), pp. 31 ff.

³Ibid., p. 54.

commandment included a part on the duties of masters to their servants and vice versa. A master was obliged under God to give his servant a fair deal, and as part of his household to promote his spiritual welfare. While many of the divines did not concern themselves over the matter of a just wage for servants, we find that Baxter was among those few who insisted that the wage must be paid according to the contract first entered into.¹ It is startling to find that Baxter went beyond this to claim that since men are by nature free and independent, servitude was to be avoided if possible. If it could not be avoided then the conditions of that servitude were to be determined clearly and freely by contract.² On the question of slavery, Schlatter claims that Baxter "took a strong line against the worst aspects of the slavery of his day, though he did not condemn the institution in all its forms."³ Martin interprets this as a marked advance over the prevailing attitude of his generation.⁴ In any case the concern for justice in this area of social life is clearly evident.

Baxter's concern for the oppressed and poor was frequently expressed, and indicated a prevailing attitude. We can see his fearlessness on economic issues in the address "to the nobles, gentlemen and all the rich, directing them how they may be richer," in the

¹Ibid., p. 62.

²Supra., p. 234.

³Schlatter, op. cit., p. 70.

⁴Martin, op. cit., p. 174.

Preface of one of his books.¹ Powicke comments upon the passage in the following manner:

One might commend it for several passages of surpassing eloquence; but more wonderful is its moral fervour, the fervour of a prophet who fears not the face of man, in pleading for the poor and needy against the oppressive vices of their unjust and selfish superiors. It would be difficult to find in the English language a bolder indictment -- severe, impartial, and unsparing -- yet qualified by a prevalent desire to be just and convincing.²

If allowances are made for Baxter's age, the same might be said of his Last Treatise which was entitled The Poor Husbandman's Advocate to Rich Racking Landlords. Baxter distinguished the "Poor Husbandmen" from the free holders and the more prosperous tenant farmers and thus showed that he knew what he was talking about.³ He pleaded the cause of the poor farmers claiming that their lot was worse than that of the tradesmen. He deplored their ignorance, their servile condition, their lack of medical attention. He reprimanded the landlords for their outright neglect and deliberate exploitation of the poor, and pointed out that the welfare of the nation was bound up with the welfare of the poor husbandmen. Here is further evidence that the holy commonwealth was to uphold social justice.

¹The Crucifying of the World by the Cross of Christ. (1658)

²The Last Treatise, p. 12.

³Mr. Unwin, an economic historian, in an introduction to this Last Treatise confirms Baxter's account of the facts and his explanation of their cause. pp. 8 f.

In the business world the Puritan applied high standards of honesty and consideration for the welfare of others to every commercial transaction. Baxter condemned all manner of extortion and explicitly condemned the hoarding of goods to sell them at unreasonable profits.¹ All forms of fraud were considered to be like theft and a breach of the eighth commandment. No one was to enrich himself at another's expense, even if that person be poor, or ignorant of market conditions. Baxter was realistic enough to understand the need for credit in the field of business, and so he defended usury on the ground that the only usury which was forbidden in the Bible was that which involved extortion.² It should also be pointed out that although no one seriously challenged the existing social hierarchy, both excessive poverty and wealth were considered dangerous for one's spiritual welfare. The poor were taught to be content and the rich to be charitable, and the ideal was to be frugal, industrious and pious, and belong to neither group. In summary, Martin writes of Baxter, "He cared passionately about social justice. He loved mercy and fair dealing, and hated oppression and iniquity."³

Perhaps enough has been indicated to reveal the Puritan zeal for social righteousness. However, there were blind spots⁴ in their

¹Martin, op. cit., p. 172.

²Directory, Pt. IV, pp. 125 ff. Cf. Schlatter, op. cit., p. 221

³Martin, op. cit., p. 175.

⁴Such modern writers as E. Troeltsch, Max Weber and R. Tawney have drawn these to our attention.

concern for social justice which should be pointed out if we are to arrive at a fair view. One may put it this way. The doctrine of "Calling" led the Puritans to distrust the world and yet to determinedly work out their own salvation in the world. This attitude resulted at its best in the relentless application of Christian principles to the situations of everyday life and business. At its worst it tended to bind together the worship of God and the worship of Mammon. One of their chief failures was their inability to see that the social order could be immoral and unjust even though individuals were virtuous and above reproach in their private lives. An example of this blindness can be seen in their exhortations about honesty in business, and at the same time their tendency to accept the market price as the fair price -- which it was often not.¹ Another example is contained in the Last Treatise. At the close of his attack upon the "Rich Racking Landlords" Baxter despaired that his exhortations would have much effect, and he concluded by urging the "poor unrelieved husbandmen" to be resigned to their painful lot and make the best of it. In other words, Baxter saw no alternative way of correcting social injustice other than appealing to individual righteousness. It is apparent he could not envisage economic forces greater than those of the individual, or, if he did, he saw no means

¹Schlatter, op. cit., p. 210.

of controlling them.¹ However, we must beware of judging the Puritan concern for social justice from a modern standpoint. Accepting the status quo as they did, there was no demand for social equality, and therefore it was assumed that what injustices existed could be remedied by private generosity and benevolence.

¹Ibid., p. 222 f.

Chapter iii

CONCLUSION

Our investigation has shown that John Eliot's claim to fame rests upon his indefatigable work as a missionary to the Indians in the colony of Massachusetts and not upon any experiment in Mosaic government. Furthermore, he is to be remembered for his translation of the Bible into the Algonquin dialect, and not for any contribution to political theory. His pamphlet The Christian Commonwealth can hardly be called a contribution to political theory, for it was purely visionary and tied slavishly to the Mosaic system. Furthermore, it is strange to find that it was considerably out of tune with Independent political thinking at that time. Any publicity which the pamphlet received was largely a matter of notoriety over the fact that it contained Republican sentiments which fell into great disrepute with the Restoration of the monarchy in 1662. However, it did reflect a portion of Puritan opinion in that great era of constitution-making in that it sought to construct a political state purely on Biblical patterns without much reference to the intervening historical development.

Our investigation of Richard Baxter's political ideas has revealed a thinker of no mean stature. In the process of gathering his political opinions we have found evidence of a very wide and coordinated learning. His awareness and understanding of the political, social and religious issues of his day means that no student can be fully acquainted with the seventeenth century without consulting Baxter's writings. His

relatively modern interpretation of the Scripture, his immersion in the ideas of Natural Law, and his latitudinarianism in all controversy means that we have in Baxter not only a prominent exponent of the Puritan tradition but one of the outstanding figures of Church history. We will list our conclusions under three heads: 1. His middle-of-the-road position, 2. His belief in theocracy, and 3. His belief in constitutional government.

Anyone who has made any study of Baxter will appreciate the difficulty which the student has in trying to classify him with any particular school of political or religious thought. Baxter evades classification. Powicke, Dowden and many others have registered their perplexity when it comes to defining and explaining Baxter's position.

Certainly he was not an Arminian in the sense of John Goodwin, though more than once he defended him from the unjust attacks of ignorance and prejudice; nor was he, strictly speaking, a Calvinist, though he applauded the Synod of Dort, and the Westminster Assembly and shared, to the full, the Puritan admiration of Calvin.¹

He belonged to no party; in each he saw some things to applaud and some things to condemn. He was neither Episcopalian (in what he calls the diocesan sense) nor strictly a Presbyterian; he was too Arminian for the high Calvinists and too Calvinistic for the Arminians. He thought kneeling at the Communion lawful, and made no scruple about the ring in marriage; he doubted of the surplice, and never could bring himself to use the Cross in baptism; he admitted that a form of prayer and liturgy is not in itself forbidden, but held that the English liturgy has much disorder and defectiveness in it. He had duly subscribed to the thirty-nine articles, but in his maturer days came to judge subscription unlawful.²

¹Powicke II, p. 235.

²Dowden, op. cit., pp. 216 f.

What applies to Baxter's religious opinions also applies to his political ideas. He is in a class by himself. He virtually challenged every extant political theory finding something to approve in it and something to condemn. In the following paragraph we will list some of the anomalies of his thought which made him obnoxious to nearly every group.

He appealed to the authority of the Scriptures like all Puritans but concealed within that appeal a critical and almost modern use of them. He believed in constitutional government but was unalterably opposed to majority rule. He believed in the necessity for a strong central government, but at the same time believed in resistance and the right of revolution. He believed that the State had the authority and the duty to maintain the true religion and yet he said that he believed in toleration. The magistrate, according to Baxter, could not compel men to believe, and yet he had to restrain wicked and unorthodox doctrines. In one place, Baxter expounded an almost Divine Right theory of sovereignty, stressing the divine origin and godlike nature of personal majesty, and in another place, he wholeheartedly believed in contract, in the power of subjects to limit their governors, and in the sovereign's duty to respect and honour the rights of the people. Many other apparent inconsistencies could be cited.

These paradoxical positions indicate a middle-of-the road

position in political thinking. It should be pointed out that in taking this road Baxter was following Hooker and anticipating Locke. Hooker defended both absolutism and constitutionalism; he was a compromise between the James 1st Divine Right and belief in the sovereignty of the people.¹ Gough states that Locke was neither a thorough-going individualist nor a rationalist. He was in between Divine Right and government by consent.² It should be kept in mind that the term "consent" did not necessarily mean popular sovereignty.³ Professor Laski writes that

The road from Constance to 1688 is a direct one; Nicholas of Cusa, Gerson, and Zarabella are the ancestors, through pamphlets like the *Vindiciae Contra Tyrannos*, of Sidney and Locke.⁴

We have discovered that Baxter held a position firmly within the link which existed between the medieval tradition, Hooker and Locke.

Our second conclusion is that Baxter believed in theocracy, but in a theocracy with a difference. By means of the theocratic idea he hoped to subject all of life, individual and social, to the rule of God. There was to be no divorce between political theory and theology, nor was there to be any conflict between Church and State. With the Church subservient to the State in a theocratic constitution all cause for conflict would be avoided.

¹Shirley, op. cit., pp. 130,202.

²Gough, op. cit., p. 43.

³Ibid., pp. 53 f.

⁴Cambridge Medieval History Vol. VIII, p. 638.

One of the chief criticisms of theocracy has been that it was a static conception of government. Baxter made provision for change. For example, he provided for a National Church in which the Approved or Established Church would have a place along with most of the sects. The idea of a theocracy providing for toleration ~~was~~ something new.

One question has to be asked. Was Baxter's exposition of the theocratic idea a clutching at archaic conceptions, or was he able to make a positive and distinctive contribution through it? The conclusion we have reached is in the affirmative. Through the theocratic idea, Baxter was able to reiterate two cardinal principles: all governing power must be held in trust to God and all government must have a moral purpose.

Baxter clung tenaciously to his fundamental proposition that the source of sovereign power was God. He was certain that if this power was thought to originate in either the ruler or the community tyranny would be inevitable. In a theocracy, political power must be held in trust for God, as well as in trust to the community. It was his opinion that both absolutism and democracy involved a perversion of the theocratic idea. So he took the position that the contract did not make the sovereign power, but rather determined to whom God would give it and how it should be exercised.

In his insistence that God granted sovereignty and held its recipients responsible to Him, Baxter was underlining the necessity

for a religious sanction for government. It must be granted, at the outset, that it is purely a matter of religious belief whether society be considered as part of God's design where every individual citizen is called to exercise stewardship to Him, or whether society is just an aggregate of conflicting persons and groups upon which some order must be imposed in order to salvage some benefits from corporate existence. To see social life in a religious context was all-important to Baxter. In fact, he argued that political trusteeship was essentially a religious concept. If the only social responsibilities of a citizen are legal and enforceable obligations, then society is hardly possible. The amenities of social life, he maintained, result from the Christian motivation which can never be satisfied with the first mile of legal obligation but must go on to the second mile to do freely what can only be defined by conscience. Baxter foresaw the danger of losing this mystical sanction for society with the rise of the doctrines of popular sovereignty.¹ Trust was beginning to appear as the responsibility of rulers to their subjects and not so much to God. He also foresaw the great danger of the people losing all sense of stewardship for the powers which they possessed. So it was that he clung to what we might call his 'pipe-line' theory of sovereign

¹Gough, op. cit., p. 147.

authority -- God, king, parliament, magistrates, and people. He provided for the effective control of government over people, and for the effective limitation of government, but he failed to suggest any machinery by which a person could be held accountable for his trusteeship to God. His only recourse was to the maintenance of a virile religious faith throughout the nation, and this he was determined to provide for.

The second emphasis which Baxter made concerned the moral purpose of government. Carlyle writes:

The Christian doctrine of the divine origin and nature of government was therefore, properly speaking, a statement under the terms of religion that the end of government was a moral one -- that is, the maintenance of justice.¹

The Reformation gave new life to the theocratic idea by measuring the rightfulness of government by the thoroughness with which it carried out its religious duties. If the divine purposes of government were not being realized, then there was cause for resistance. Baxter foresaw that both absolutism and democracy were open to the error of assuming that the wishes of the ruler in the one case, and the people in the other, were the will of God. Locke was disposed to trust the innate goodness of human beings, and although he mentioned it, he did not consider that there was any great danger of parliament abusing its power. Baxter's religious insight, on the other hand, led him to be a

¹Carlyle, Vol. V, p. 451.

little more pessimistic about human nature. He despaired of the time, but saw it coming, when self-interest and expediency would become the major factors in the determination of government policy. He and Lawson were among many who attacked Hobbes for making the ultimate sanction of government utilitarian, and to the extent that Locke was also utilitarian,¹ Baxter would have been at variance with him. Baxter could never say as Locke did that "That which is for the public welfare is God's will,"² he would say rather, that God's will is our good. The State existed to fulfill those purposes for which God had ordained it.

Bowle observes that the weakness of Hobbes' attempt to construct a society on purely rational grounds, and the weakness of the Utilitarians as well, was their underestimation of the importance of myth as a support for society.³ Baxter was well aware of how important a common body of beliefs was in establishing social stability and continuity, and for inspiring society's greatest achievements and for controlling individual effort. He was convinced that it was only in a theocracy that these values could be preserved.

¹Troeltsch, Vol. II, p. 638....."the complete removal of the idea of the glory of God as the religious end of the State."

²Laski, op. cit., p. 47. cf. Locke, op. cit., pp. 142 f.

³Bowle, op. cit., p. 192.

The third conclusion we have reached is that Baxter was a stalwart supporter of constitutional government. Contrary to many who have superficially dipped into the Holy Commonwealth, and concluded that Baxter had little to offer other than antiquated ideas of theocracy, we would assert that he held a significant place in the development of constitutionalism in Britain. He was an exponent of the seventeenth century school of Natural Law and interpreted that Law in such a way that he found support for a "mixed constitution." He used the idea of a State of Nature to explain the origin of the inalienable rights into which every man was born and which government existed to preserve.

One of the foundation stones of constitutionalism is respect for law. Baxter believed that society could only find stability and permanence within the Natural Law, the law of contract, and the positive law and customs of the nation. This was in contrast to Eliot and some of the early Puritans who in their idealism tended to make God's law the only law, and left the magistrate free to interpret it as best he could.

Baxter believed in the sovereignty of the king-in-parliament. He never expounded the separation of powers, although his observation of the struggle between king and parliament brought him to the verge of that principle. More clearly than Locke he foresaw the danger of parliament seizing an arbitrary power over the king and the lords. The growth in the power of parliament led him to believe

that the idea that there were constitutional limits to its power might be hard to learn.

The fact that he was not afraid to use the term "sovereign" in spite of its connection with Hobbes indicated a different attitude toward sovereignty than had Locke who never used the term. Locke made the "legislative" supreme but hedged it about with restrictions. He did not clearly see that in the developed State there must be some ultimate authority to whose actions no legal limits can be set. Baxter did.¹ The theocratic constitution in itself fostered this emphasis, and we believe that Hooker and Bodin influenced him.

Baxter thought he was opposed to Hooker in his refusal to accept the idea that the "people are the Fountain of Civil Power and give the Sovereign what he hath,"² but in actual fact he was not. He was most dogmatic in his assertion that although the community had the power, it was God who gave the government. Basically, he was in agreement with Hooker although he persisted in using his own terms -- terms which would fit in with the theocratic framework. Baxter was in hearty agreement with those medieval ideas of limitation, consent and trusteeship which became through Hooker and the critics of Hobbes a part of the Whig tradition.

¹Figgis, Divine Right of Kings, p. 242.

²Reliquiae Baxteranae, p. 123.

We conclude that the political culmination of the Puritan Idea of the Holy Commonwealth was a democracy. In Eliot's case, the dream was of a republic, and in Baxter's of a constitutional monarchy. The foundation of the Puritan scheme was the congregation. In Baxter's conception of Church Government the parish congregation or congregations were the highest court in the Church. The local officials were elected by and responsible to the congregation, although they held their authority under Christ. Furthermore, it was the Puritan desire for freedom of conscience which vindicated the principle of popular rights and independence for minorities.

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APPENDICES

APPENDIX A

(1) Copy of a letter from Baxter to Eliot.

End of 1667? Letter, undated and unaddressed, from Baxter to Eliot. It was called forth by a booklet which Eliot printed (not published) in 1665 at Cambridge (Boston). Only two copies are known to exist, one in a private library at Hartford (Connecticut) and one in the Bodleian (Pamph. 122(b)). The title--from the Bodleian--begins: "Communion of Churches, or, the Divine Management of Gospel Churches by the ordinance of Councils, Constituted in order, according to the Scriptures. As also, the way of bringing all Christian Parishes to be Particular Reforming Congregational Churches . . ."¹

(2) Brief summary of Eliot's Communion of Churches.²

There are eight short chapters, viz.:--

Chap. 1. Prolegomena, or the things premised, viz., that there must be--

- (a) A Church of believers and
- (b) A Council of Churches.

Chap. 2. A Council in the first instance, should consist of 12 local Churches, represented by at least 24 messengers, or a multiple of 12. The number 12 is the Gospel measuring reed.

Chap. 3. The Constitution of Councils extends to four orders:--

- (a) District Councils: 24 messengers (at least) from 12 Churches. These to meet monthly.
- (b) Provincial Assemblies: 24 delegates from District Councils. These to meet quarterly.
- (c) National Synods: 24 delegates from 12 Provincial Assemblies. These to meet once a year.
- (d) Oecumenical Council: 24 delegates from 12 National Synods. This, when once attained, to be always in session.

Its seat (D.V.) will be Jerusalem. It will have no President

¹F. J. Powicke, Some Unpublished Correspondence of the Reverend Richard Baxter and the Rev. John Eliot, the Apostle of the American Indians 1656-1682. Reprinted from "The Bulletin" of the John Rylands Library. Vol. XV, No. 2, July 1931. (Manchester University Press, 1931) Preface p. ii.

²Ibid., pp. 10-13.

or Pope, but be directly subject to Christ. It will be his holy breastplate--corresponding to the 24 elders before the Throne. Through it Christ will rule all the world--both of civil and ecclesiastical affairs--by the Word of His mouth delivered to His saints (i.e., I take it, the 24 elders) in the Hebrew language.

Chap. 4. The order of electing the Councils is fundamentally Congregational. The first choice of messengers is by the individual Church, and carries with it all the rest. "Hence it must be carefully and expressly put into the Vote of this first act of the Churches, that they (the messengers) are chosen to carry on the ordinance of Councils in all the orders of it both in Provincial, National and Oecumenical Councils even unto the highest point." How often the choice of the individual churches is to be exercised is not clear, but apparently once a year, in order to keep the stream of delegates permanently fresh. Chaps. 5 and 6 outline the work of the Councils in its general and special character. The object, in both respects, is to ensure right order or discipline; and the conclusion is notable:

"Within the compass of one year the whole order of elders and discipline has its course." Moreover, once established it is compulsory. Such as defy discipline are "high disturbers and must be suppressed by civil power;" and if this should entail the death penalty, Eliot is relentless. "It is a greater good to preserve order than to preserve the lives of the willful and obstinate violators thereof." So he landed himself among the persecutors, Romish and others, by the same argument as theirs.

Chap. 7. is concerned with the way to bring "every Christian parishional congregation to be an explicit reforming congregational Church."

Chap. 8. Treats of the management of these Councils--with no small reliance on the magistrates.

Such a scheme, emanating from a Congregationalist list, was something uniquely curious, and could not be taken seriously. Respect for Eliot's character may have saved it from open ridicule; but nobody in New England seems to have noticed it. It "sank like lead in the mighty waters of oblivion" (Dexter). In the course of time, however, a copy came to Baxter who not merely noticed it, but also set down and sent to Eliot a number of "Animadversions" or (reflections), not by any means all critical. Indeed, he goes so far as to say that this Platform

of Mr Eliot's would have been gladly accepted by the "sober" of both parties (Presbyterian and Congregational) in England eight or nine years ago;¹ and that even now they would rejoice if it were commonly owned by the brethren of the Congregational way. But the New England brethren knew better.

(3) Another letter.

10 December, 1667/8. Eliot's acknowledgement of the "Animadversions" is remarkable (1) for his defence, on Scriptural grounds, of the death penalty in the case of those who hold out presumptuously against the Established Church order. He had the Quakers particularly in mind. In Massachusetts from 1656 onwards four Quakers were executed, excessive fines were imposed, and a system of frightfulness was put into operation in the shape of unmerciful whippings. Eliot apologizes for this under eight heads.

(4) Baxter's comments on this pamphlet in the letter not dated but likely near the end of 1667.²

Baxter expresses his opinion that the constituent members of a Council should be the pastors of the Churches only, "whether messengers or not", . . . Brethren can be present but acting only as brethren. He reiterates his opinion that Councils are purely for the concord of Churches, but in so far as the pastors have the governing power over their own Churches, they can "exercise it there by convenient acts". "Acts, e.g., which concern the ordering of public worship, or an act which decrees 'ye common excommunication 'say of an Arian, etc. Such acts agreed upon by the Pastors in Council for the good of the Churches fall within its scope--to promote communion or concord--and should meet with obedience. 'Concerning the numbers 12 and 24 and the whole method here presented' Baxter doubts if the Scriptures cited will amount to a proof that these are of divine appointment; but he thinks that reason combines quite well with Scripture to 'present the frame as very handsome and convenient where it may be had, and such as would greatly tend to concord and edification.'" ...

The Law of Moses was the Civill Law y^e Jewes Republicke and

¹In 1657/8 when Baxter's "Associations" were spreading.

²Powicke, op. cit., pp. 25, 33.

y^e priest himselfe had p(ar)te of ye Civill power. But Christ's Ecclesiasticall Lawes are not our Civill Lawes, nor have Councillis as such any civill power. I therefore firmly hold (1) y^t no Magistrate is to cut off or punish any man simply because he disobeyeth a Councill . . . But he must first himself heare and try the cause, and judge accordingly. In some cases a Councill is to be disobeyed."

He expresses his conviction that it is wise to have a magistrate in every congregation "to keepe peace and order, and to secure y^e civill interest, and punish vice."

He disagrees with Eliot over the death penalty. "And it will be thought scarce congruous to say y^t Councillis are only for advise, and yet y^t those should be suppressed who rest not in their advise--unlesse y^e Magistrate have tried y^e cause and found that y^e advice was so necessary as to aggravate y^e offence to such deserts." Few in England, he says, think that nonconformity deserves death.

He disagrees with Eliot over the governing power and authority of these Councils, and the exactions they require of all Churches and Church members. The Congregationalists in England would not accept them. He insists, as any reader of Baxter knows, on the bare essentials: the profession of repentance, the Decalogue and consent to the baptismal covenant.

APPENDIX B
 DIAGRAMATIC SKETCH OF ELIOT'S COMMONWEALTH

SUPREME COUNCIL 70 MEMBERS

ALL OF SUPREME COUNCIL AND EVERY RULER ELECTED BY DIRECT VOTE

ORDER OF ONE HUNDRED MYRIADS	COURT OF ONE HUNDRED MYRIADS RULER-PRINCE	RULER OF ONE HUNDRED MYRIADS
------------------------------------	--	------------------------------------

ORDER OF TEN MYRIADS	COURT OF TEN MYRIADS	RULER OF TEN MYRIADS
----------------------------	----------------------	----------------------------

ORDER OF FIVE MYRIADS	COURT OF FIVE MYRIADS	RULER OF FIVE MYRIADS
-----------------------------	-----------------------	-----------------------------

ORDER OF ONE MYRIAD	COURT OF ONE MYRIAD	RULER OF ONE MYRIAD
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SUPERIOR PLATFORM

ORDER OF ONE THOUSAND	COURT OF ELEVEN 10-19 ORDERS OF ONE HUNDRED	RULER OF ONE THOUSAND
-----------------------------	--	-----------------------------

ORDER OF ONE HUNDRED	COURT OF THREE 2-3 ORDERS OF FIFTY	RULER OF ONE HUNDRED
----------------------------	---------------------------------------	----------------------------

ORDER OF FIFTY	COURT OF SIX 5-9 ORDERS OF TEN	RULER OF FIFTY
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ORDER OF TEN	10-19 CITIZENS	RULER OF TEN
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SINGLE PLATFORM

ELECTORATE-ALL ADULT CHURCH MEMBERS

APPENDIX C

THINGS UNDETERMINED BY SCRIPTURE¹

"I will instance in twenty particulars in which we called Puritans and Non-conformists do grant that it belongeth not to the perfection of Gods word particularly to determine, but only to give General Laws for determination."²

About doctrine and worship

1. There are many natural truths as in physics and metaphysics which are not stated in Scripture.
2. The particular subject or text that a minister shall preach on.
3. The method by which the subject or text is to be handled.
4. What day and hour besides the Lord's Day that the church shall meet.
5. The Place of worship is not determined.
6. The length of the prayers, sermons, readings and services.
7. What to ask, give thanks for, or confess in prayers.
8. When and how often public fasts and thanksgivings are to be held.
9. What particular psalm or reading is to be used.
10. What translation of the Scriptures, nor what version of the psalms.
11. The words of sermon, prayers or praises.
12. The tune to which psalms and hymns are to be sung.
13. Whether the minister shall use notes for his sermon or not.
14. Whether the minister shall use written prayers or pray without.
15. By what signs believers are to express their consent to the common faith and covenant.

¹The following list combines a list which Baxter gives in his Plea for Peace, p. 34, and another list which he puts down in the Directory, Pt. III, p. 11, Section 21.

²Plea for Peace, p. 34.

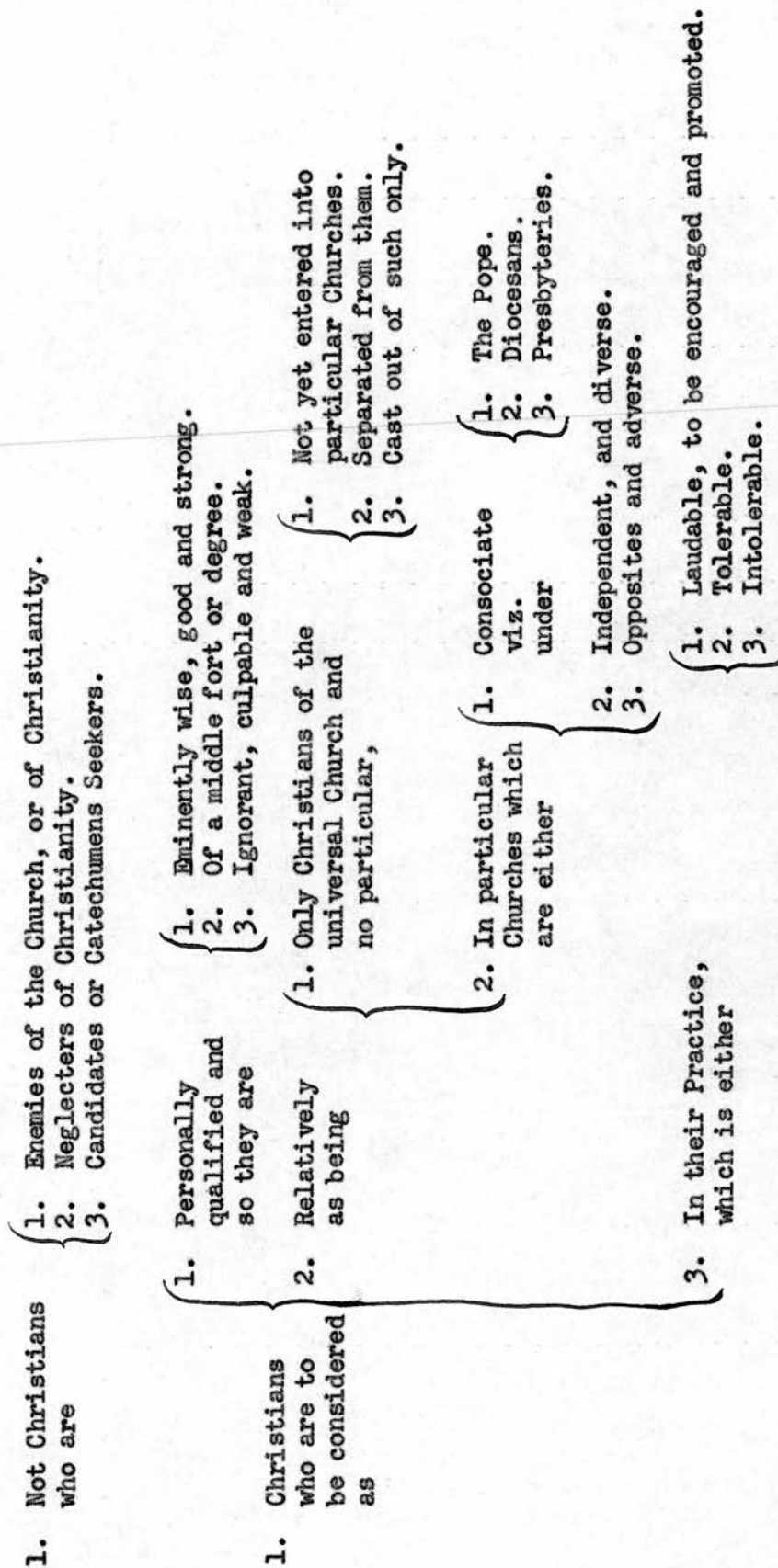
16. The shape of churches, ornaments, seats, bells, clocks etc.
17. The form or words of the catechism.
18. What gestures are to be used in public worship by preacher or worshipper.
19. What garments clergy and worshipper are to wear in public worship.
20. What kind or how many utensils are to be used in carrying out the ministrations of the church.
21. When people shall speak in the worship and when they shall be silent, and who.

About order and government.

1. Who shall be the pastors of the church.
2. How many persons are required to make a congregation.
3. How the pastors shall divide their work where there are many.
4. How many pastors a church shall have.
5. What particular people shall be a pastor's special charge.
6. What particular persons he shall baptize, admit to communion, admonish or absolve.
7. What words he shall use in any of the above.
8. What number of pastors are to meet in synods, nor how often.
9. What offices circa sacra there shall be, or who shall fill them, such as church wardens, Clerks, door keepers etc.

APPENDIX D

Reproduction of a Diagram illustrating the various classifications of citizens according to their Christian convictions, each of which merited a different kind of treatment by the Magistrate.¹



I shall therefore briefly shew how each of these sorts are to be used by a wise and righteous Christian Prince or other Magistrate: though somewhat is said already to the first.

¹True Concord, p. 258.

APPENDIX E

Extract from the "Catalogue of Errours"

XVIII. Of our duty to our Rulers and Pastors, and their duty.¹

1. That Christianity so nullifieth all natural and civil relations or obligations, that Children, subjects and servants owe nothing to Parents, Rulers or Masters, but what they are bound to in meer justice and gratitude to them as benefactors, or by voluntary consent and promise.

2. That Parents owe nothing for their children but bodily provision, and not to educate them in Godly and Christian doctrine and practice.

3. That Princes may seek their own pleasure and wealth against the common good, or above it.

4. That they may lawfully make war upon neighbour Contreys, only to enlarge their power of dominions, or satisfie their pride, passion or wills.

5. That they, or Bishops, may fine, imprison, banish or put to death all Subjects that are not of their religion, or may compell all those ways of worshipping God, which they shall judge best, be they right or wrong.

6. That Gods Laws are not obligatory to Kings and Kingdomes.

7. That Princes or people may preferr their worldly interest before the interest of Religion, Souls and God; or may set them in opposition against it.

8. That Princes must imprison, or otherwise punish such as are excommunicated and not absolved by the Clergy, without knowing whether the cause be just or unjust, by their own exploration.

9. That Princes may break Oaths and Covenants when their interest requireth it.

10. That subjects have no liberty or propriety in any thing, either life, wives, children, or estates, but what is at the meer will of Princes to dispose of as they please.

¹True Concord, pp. 321-323.

11. That it is lawful for subjects to disobey the authority and commands of the higher powers, because Christ hath freed us from subjection to men.

12. That all Governing authority is originally in the people and by them given to Rulers on what terms they please.

13. That therefore the people may depose any Princes where they see cause, or may call them to their bar and judge and punish them, having themselves the highest governing power.

14. That if Princes injure the people, the people may therefore rebel, take arms against them, and depose them.

15. Contrarily that no people may defend their lives, houses or posterity, nor the chastity of their wives, by resisting any Tyrants, or against the will of Rulers, that have no true authority to destroy them.

16. That subjects may break their oaths of allegiance, whenever their own worldly ends require it, or if the Pope disoblige them.

17. That if one King wrong another, the wronged King may destroy all the other innocent subjects.

18. That no war is lawful.

19. That it is lawful to defame and dishonour Princes if they are sinners, though the contempt tend to disable them from necessary government.

20. That none but sanctified persons have true Governing power or dominion.

21. That children are bound to obey their parents, subjects their Princes, and servants their Masters, in nothing but what they think is wisely or justly commanded them, though it be good or lawful in itself.

22. That Parents may not teach children forms of Catechism or prayers; nor command them any duty which the child will but say is against his Conscience, nor restrain him from any sin which he pleadeth Conscience for.

23. That Christian Parents in want may sell their Children for slaves to Idolaters or Infidels, for supply.

24. That Children may disobey their parents in any matters of Religion, if the Pope, Bishop or Priest so command them.

APPENDIX F

Extract from the "Catalogue of Prescribed Doctrine".

12. And as I expect my part in the benefits of godly and peaceable Government, so I do profess to believe, and promise to teach and practise accordingly. That there is no power but of God and that Rulers are Gods Ministers for Good, not for destruction but edification, to be a terroure to evil doers, and a praise to them that do well: and this under Christ, to whom is given all Power in heaven and earth: That we must pray for Kings and all in authority, that we may live a quiet and peaceable life, in all godliness and honesty: That subjects must obey their Rulers in all things lawful belonging to their office to command; and not resist, rebel or be seditious; That they must give honour, reverence and tribute to whomsoever they are due: And all this not only for fear of man, but in Conscience as hereby obeying God.¹

Rom. 13: 1 etc.

Mat. 28:19.

1 Tim. 2:1,2,3.

1 Pet. 2:13,14,15,16,17,18.

2 Pet. 2:10,11.

Rom. 13:7,5.

Col. 3:12,13,14.

Jam. 3:1,14,15,16,17.

Jud. 8:9,10.

¹True Concord, pp. 287 f.

APPENDIX *74*

DIAGRAMATIC SKETCH OF BAXTER'S COMMONWEALTH

KEY TO DIAGRAMS

PLATE I. CIVIL ADMINISTRATION

Red Line ——— Popular Rights and Privileges

Green Line ——— Sovereign Rights

PLATE II CHURCH ADMINISTRATION

Red Line ——— Church Power by Christ's Institution or Calling

Green Line ——— Civil Power Over and In the Church

C Parish

BF. . . Bishop of the Flock in One Parish - Episcopus Gregis

B P Bishop of a Presbytery of Presbyters.

P Part of a Presbytery. A Chapel within a parish ruled by one pastor or presbyter.

Alternative Names:

County-Synod - Classis Association

Provincial Synod - Diocese

Secular Bishop - Visitor of Churches and Country

Itinerant Bishop - Superintendent - General Unfixed Pastors

PLATE I

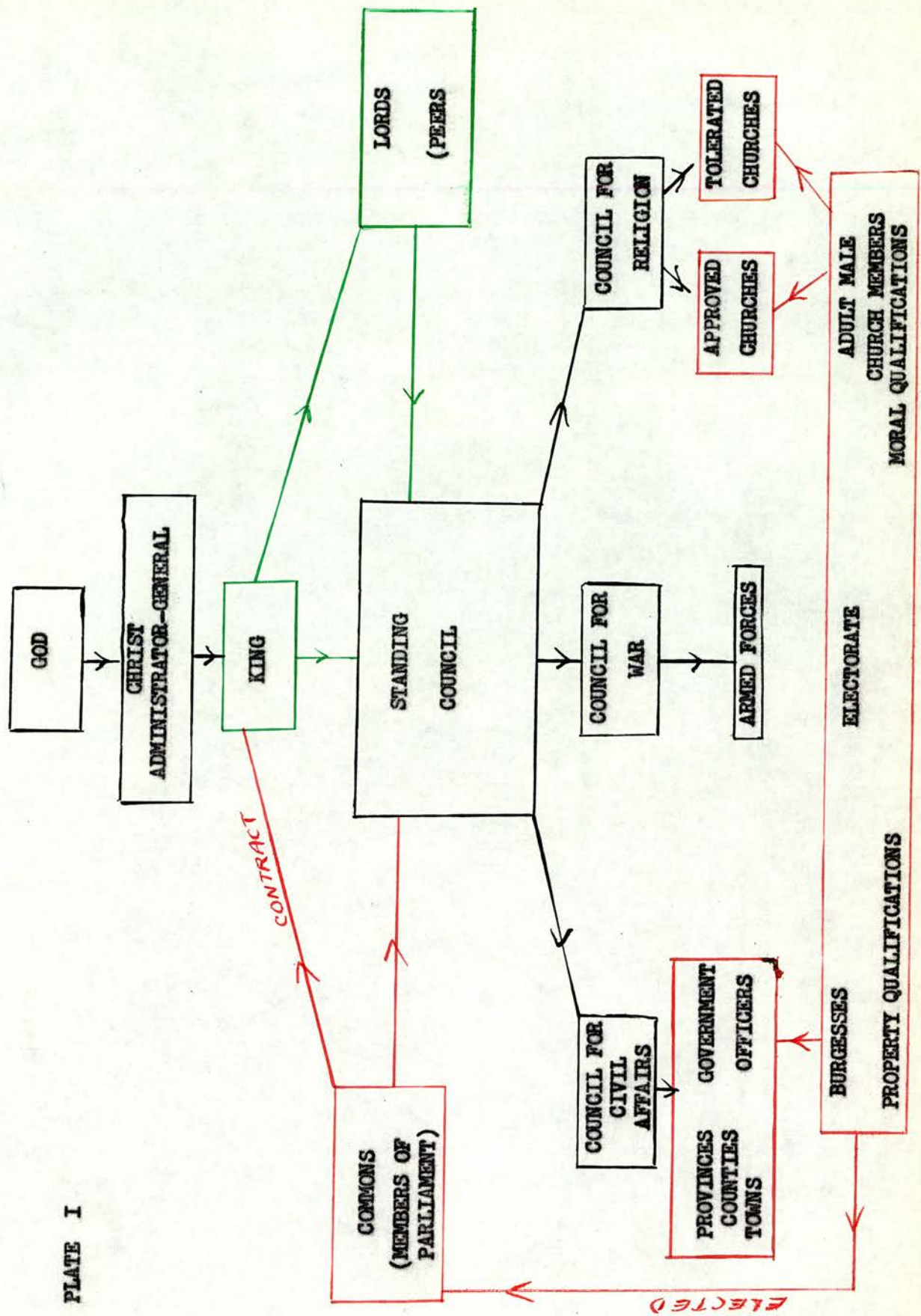


PLATE II

